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California Election Laws

1913-14

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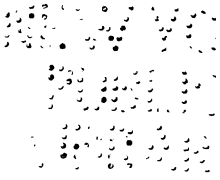
Election Laws

OF THE

State of California



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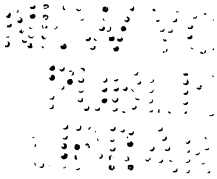

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PREFATORY

The object of this hand-book is to present in a compact, convenient form for ready reference by the people at large, all the laws relative to elections to which the voter, or the officer of elections in this State, will have occasion to refer. Its form and arrangement has been determined upon with this end in view. It contains pertinent provisions from the Constitution of the United States, from the laws of Congress, from the State Constitution, and from the Codes, and the important State Statutes in full, relating to this subject. The size of the volume is also believed to be the most convenient for frequent use.

CHAPTER I.

CITIZENSHIP AS DEFINED IN CONSTITUTION OF THE UNITED STATES.

Fourteenth Amendment, Sec. 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

CHAPTER II.

SECTIONS FROM THE REVISED STATUTES OF THE UNITED STATES RELATING TO CITIZENSHIP.

Citizenship of Children Born Abroad.

1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may have been at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Right to Vote Not Affected by Race, Color, Etc.

2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Concerning Aliens Enlisted in U. S. Armies.

2166. Any alien of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting

such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States. [Act of July 17, 1862.]

Aliens Enlisted in U. S. Navy or Marine Corps.

* * * Any alien of the age of twenty-one years and upward, who has enlisted or may enlist in the United States Navy or Marine Corps and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps. [Act of July 26, 1894.]

Note.—This a provision of the Naval Appropriation Act.

Who May Be Admitted to Citizenship.

2169. The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent. [Act of July 14, 1870. Amended February 18 1875.]

Chinese Not to Be Naturalized.

That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this Act are hereby repealed. [Act of May 6, 1882.]

Term of Residence Required.

2170. No alien shall be admitted to become a citizen who has not, for the continued term of five

years next preceding his admission, resided within the United States. [Act of March 3, 1813.]

In Case of War, When Admission to Citizenship May Be Made.

2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien. [Act of July 30, 1813.]

Citizenship of Children of Naturalized Aliens—Restrictions.

2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be

considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the Legislature of the State in which such person was proscribed. [Act of April 14, 1802.]

Citizenship of Seamen.

2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States, for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any Act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen. [Act of June 7, 1872.]

CHAPTER III.

SECTIONS FROM THE CONSTITUTION OF CALIFORNIA RELATING TO ELECTIONS.

ARTICLE II.

Who May Vote.

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [Amendment adopted October 10, 1911.]

78 Cal. 568; 83 Cal. 81; 91 Cal. 467; 92 Cal. 321; 117 Cal. 123; 120 Cal. 374, 377; 127 Cal. 88; 136 Cal. 451; 145 Cal. 341; 146 Cal. 513; 151 Cal. 603; 152 Cal. 231, 232; 7 Cal. App. 413.

Voters Privileged From Arrest.

Sec. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

Primary Elections.

Sec. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office by electors, political parties or organizations of electors without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision. Provided, however, that, until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. [Amendment adopted November 3, 1908.]

120 Cal. 379; 146 Cal. 316; 151 Cal. 602, 605; 152 Cal. 434; 155 Cal. 780, 782, 788, 792.

Excused From Militia Duty.

Sec. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Residence of Voters Not Affected, When.

Sec. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

105 Cal. 462.

Method of Election.

Sec. 5. All elections by the people shall be by ballot, or by such other method as may be prescribed by law; provided, that secrecy in voting be preserved. [Amendment adopted November 3, 1896.]

136 Cal. 655; 146 Cal. 316; 154 Cal. 282.

Voting Machines May Be Used.

Sec. 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State, at the option of the local authority indicated by the Legislature for that purpose. [New section adopted November 4, 1902.]

ARTICLE IV.

Legislative Powers—Powers Reserved by the People.

Sec. 1. The legislative power of this state shall be vested in a senate and assembly which shall be designated "The l gislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the

polls independent of the legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section, or part of any act, passed by the legislature.

The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state, at any time not less than ten days before the commencement of any regular session of the legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the legislature, within forty days from the time it is received by the legislature. If

any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for, be rejected, or if no action is taken upon it by the legislature within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the legislature."

The second power reserved to the people shall be known as the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the legisla-

ture and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, asking that any act or section or part of any act of the legislature, be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power of the governor, and no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or pro-

visions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the constitution, proposed by the legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have

attached thereto the affidavit of the person soliciting [illegible] to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the secretary of state and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be

reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, senators and assemblymen shall be elected by the districts according to the apportionment now provided for by law.

58 Cal. 400; 65 Cal. 577, 579, 580; 96 Cal. 290, 291, 293, 296; 117 Cal. 372, 523; 122 Cal. 119; 152 Cal. 235, 236, 237.

Embezzlers Not Eligible to Office.

Sec. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any state, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this state, and the legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

136 Cal. 445; 154 Cal. 281.

Congressional Districts, Formation of.

Sec. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts according to the popu-

lation thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

ARTICLE XI.

Freeholders' Charters for Counties.

Sec. 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one,) relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the

current resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county, provided that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public school house in each school district in said county. If a majority

of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or post-

duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and the terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall

be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the legislature, as herein provided, the general laws adopted by the legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city. [New section adopted October 10, 1911.]

City Charters, How Framed and Ratified.

Sec. 8. Any city containing a population of more than three thousand five hundred inhabitants as ascertained and established by the last preceding census, taken under the direction of the congress of the United States, or by a census of said city, taken, subsequent to the aforesaid census, under the direction of the legislative body thereof, under laws authorizing the taking of the census of cities, may frame a charter for its own government, consistent with, and subject to, the constitution, (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been, for at least five years, qualified electors thereof, to be elected by the qualified electors of said city, at a general or special municipal election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by a vote of two-thirds of all the members of the council, or other legislative body, of such city, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said city, or in pursuance of a petition of qualified electors of said city, as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said city computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said city, may be filed in the office of the city clerk thereof. It shall be the duty of said city clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of electors of the county, showing the registration of electors of said city, whether the petition is signed by the requisite

number of qualified electors of such city. If required by said clerk, the council, or other legislative body, of said city shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the said petition to said council, or other legislative body, at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said council, or other legislative body, shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body; provided, that if a general municipal election shall occur in said city not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed,

one copy in the office of the city clerk of said city, and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall, thereupon, cause said proposed charter to be published, for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city; provided, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published, for at least three times, in at least one weekly newspaper of general circulation, printed, published and circulated in said city, and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative body, to the qualified electors of said city, at a special election held not less than twenty days, nor more than forty days, after the completion of such publication; provided, that if a general municipal election shall occur in said city not less than twenty days, nor more than forty days, after the completion of such publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, (whether framed under the provisions of this sec-

tion of the constitution or not,) and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate and deposited, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the council, or other legislative body of the city to the qualified electors thereof at a general or special municipal election held at intervals of not less than two years (except that charter amendments may be submitted at a general municipal election at an interval of less than two years after the last election on charter amendments, provided that no other election on charter amendments has been held since the beginning of the last regular session of the state legislature or shall be held prior to the next regular session of the state legislature), and held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session,

otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by fifteen per centum of the qualified electors of the city, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, is filed in the office of the city clerk of said city, petitioning the council, or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council, or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election, held not less than twenty, nor more than forty, days after the completion of the publication of such proposed amendment or amendments, in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such char-

ter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held in any city under the provisions of this section, for the election of a board of freeholders, or for the submission of any proposed charter or any amendment or amendments thereto, shall be called by the council, or other legislative body thereof, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said city. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by the council, or other legislative body of such city, in the manner that is now or may be hereafter provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner provided by law for general municipal elections, in so far as the same may be applicable thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal election, the laws governing the election of city officers or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the authority given in this section,

or by amendment to such charter, to provide, in addition to those provisions allowed by this constitution and by the laws of the state, for the establishment of a borough system of government for the whole or any part or the territory of such city, by which one or more districts may be created therein, which districts shall be known as boroughs, and which shall exercise such special municipal powers as may be granted by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

All the provisions of this section relating to the city clerk shall, in any city and county, be deemed to relate to the clerk of the legislative body thereof. [Amendment adopted October 10, 1911.]

Municipal Charters, What to Contain.

Sec. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith are hereby confirmed and declared valid. [Amendment adopted October 10, 1911.]

ARTICLE XII.

Control of Public Utilities May Be Submitted to Electors.

Sec. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this state, for the transportation or conveyance

of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation.

The railroad commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution.

From and after the passage by the legislature of laws conferring powers upon the railroad commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this state, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission; provided, however, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the legislature, a majority of the qualified electors voting thereon of such city and

county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the railroad commission as provided by law; and provided, further that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the railroad commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the railroad commission, it may, by like vote, thereafter reinvest itself with such power.

Nothing in this section shall be construed as a limitation upon any power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith. [Amendment adopted October 10, 1911.]

ARTICLE XX.

Dueling.

Sec. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

154 Cal. 281.

Officers or Commissioners, Election or Appointment Of.

Sec. 4. All officers or commissioners whose election or appointment is not provided for by this constitution, and all officers or commissioners whose offices

or duties may hereafter be created by law, shall be elected by the people, or appointed, as the legislature may direct.

80 Cal. 234; 85 Cal. 416; 110 Cal. 451, 452; 143 Cal. 414, 416.

Bribery.

Sec. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

154 Cal. 281.

Right of Suffrage Shall Be Protected.

Sec. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

118 Cal. 489; 120 Cal. 375; 154 Cal. 281.

Absence Does Not Affect Residence.

Sec. 12. Absence from the State on business of the State, or of the United States, shall not affect the question of residence of any person.

Plurality Elects.

Sec. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this constitution, provided that it shall be competent in all charters of citics, counties or cities and counties framed under the authority of this constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor, and provided also that it shall be competent for the legislature by general law to provide the manner in which officers of municipalities organized

or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor. [Amendment adopted October 10, 1911.] 143 Cal. 549; 7 Cal. App. 152.

ARTICLE XXIII.

RECALL OF PUBLIC OFFICIALS.

Section 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the state, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the secretary of state and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; provided that if the officer sought to be removed was elected in the state at large such petition shall be circulated in not less than five counties of the state, and shall be signed in each of such counties by electors equal

in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the secretary of state, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the secretary of state.

The governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall

election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the secretary of state not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?", following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after

receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time.

election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the secretary of state not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?", following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after

receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time.

entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the state, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved. [New article adopted October 10, 1911.]

CHAPTER IV.

SECTIONS OF THE POLITICAL CODE RELATING TO ELECTIONS.

Who Are the People.

50. The people, as a political body, consist:
1. Of citizens who are electors.
2. Of citizens not electors.
66 Cal. 44.

Citizens Defined.

51. The citizens of the State are:
1. All persons born in this State and residing within it, except the children of transient aliens and of alien public Ministers and Consuls.
2. All persons born out of this State who are citizens of the United States and residing within this State.
66 Cal. 44.

Residence, How Determined.

52. Every person has, in law, a residence. In determining the place of residence the following rules are to be observed:
1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.
2. There can only be one residence.
3. A residence cannot be lost until another is gained.
4. The residence of the father during his life, and after his death the residence of the mother, while she remains unmarried, is the residence of the unmarried minor child.
5. The residence of the husband is the residence of the wife.
6. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian.

County Road; thence easterly along said old County Road to the center line of High street; thence easterly along center line of the Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southwesterly along said line of Ninetieth avenue, crossing East Fourteenth street to the center line of "B", or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along the center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda county; thence southerly along said westerly boundary line to its intersection with the northerly boundary line of Santa Clara county; thence easterly along the boundary line dividing Alameda and Santa Clara counties to a point which is the intersection of the boundary lines of the counties of Alameda, Santa Clara, Stanislaus and San Joaquin; thence northwesterly and northerly along the boundary line between the counties of Alameda and San Joaquin to a point where the boundary line dividing the counties of Alameda and Contra Costa intersects the westerly boundary line of the county of San Joaquin; thence in a southwesterly and northwesterly direction along the boundary line between the counties of Alameda and Contra Costa to the point of beginning, shall constitute the thirteenth senatorial district.

14. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the westerly boundary line of the county of Alameda is intersected by the line dividing Oakland and Alameda townships; thence easterly along said dividing line to a point in Oakland harbor where said line is intersected by the line dividing

Oakland and Brooklyn townships; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along said last boundary line to the center of Thirteenth avenue; thence northeasterly along center line of Thirteenth avenue, or County Road to Moraga Valley, to the center line of Fourteenth avenue; thence southerly along the center line of Fourteenth avenue to the center line of Lincoln street; thence easterly along the center line of Lincoln, or East Thirty-first street, to the center line of Twenty-third avenue; thence southerly along the center line of Twenty-third avenue to the center line of Sherman street, otherwise known as old County Road; thence easterly along said old County Road to the center line of High street; thence along the center line of Foothill Road, or County Road No. 3358, to the center line of Grand, or Ninetieth avenue; thence southerly along said line of Ninetieth avenue, crossing East Fourteenth street to "B", or Second street; thence easterly along said "B" street to the center line of Jones, or Ninety-eighth avenue; thence southerly along the center line of Jones, or Ninety-eighth avenue, to the center line of County Road No. 1995; thence southerly along center line of County Road No. 1995 to the line dividing Brooklyn and Eden townships; thence westerly along said township line to the line dividing Brooklyn and Alameda townships; thence southerly and westerly along the boundary line of Alameda township to the westerly boundary line of Alameda county; thence northwesterly along the westerly county boundary line to the southerly boundary line of Oakland township and the point of beginning, shall constitute the fourteenth senatorial district.

15. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northern boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along

said northern boundary line of the city of Berkeley to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence easterly along the northern boundary line of Alameda township to the westerly line of Brooklyn township, the same being a point in Oakland harbor; thence northerly along the westerly boundary line of Brooklyn township, passing through the easterly arm of Lake Merritt and up Indian Gulch to the northeasterly boundary line of East Oakland Heights; thence southeasterly along last said boundary line to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue, or County Road to Moraga Valley, to the southeastern corner of the city of Piedmont; thence northerly and westerly following the easterly and northerly boundary lines of the city of Piedmont to the line dividing Brooklyn and Oakland townships; thence northeasterly along the last said township line to the boundary line of Alameda county; thence northwesterly along the county boundary line to the point of beginning, shall constitute the fifteenth senatorial district.

16. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the northerly boundary line of the city of Berkeley intersects the northeasterly boundary line of the county of Alameda; thence westerly along said northern boundary line of the city of Berkeley

to a point where the same is coincident with the center line of Eunice street; thence westerly along the center line of Eunice street to the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Adeline street; thence southerly along the center line of Adeline street to the northerly boundary line of the town of Emeryville; thence easterly, southerly and westerly, following the boundary line of the town of Emeryville to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the northern boundary line of Alameda township; thence westerly along the line dividing Alameda and Oakland townships to the western boundary line of the county of Alameda; thence northerly along the said county boundary line to the northern boundary line of the county of Alameda; thence easterly following the northern boundary line of the county of Alameda to the point of beginning, shall constitute the sixteenth senatorial district.

17. The counties of Monterey and San Luis Obispo shall constitute the seventeenth senatorial district.

18. All that portion of the city and county of San Francisco described as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing thence along the center line of the following named streets, to wit: Market to the waters of the Bay of San Francisco; thence along the shore line northerly to Filbert street, Filbert to Leavenworth, Leavenworth to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Market street, the place of beginning, together with all the waters of the Bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the eighteenth senatorial district.

19. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Maple and California streets,

continuing thence along the center line of the following named streets: California to Baker, Baker to Pine, Pine to Laguna, Laguna to Sutter, Sutter to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Leavenworth, Leavenworth to Filbert, Filbert to the waters of the Bay of San Francisco; thence along the shore line of said bay northerly and westerly to the waters of the Pacific ocean; thence along said shore line to Lobos creek where the same enters into the Pacific ocean; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, the place of beginning, shall constitute the nineteenth senatorial district.

20. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Pine and Laguna streets, continuing thence along the center line of the following named streets: Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk, Turk to Baker, Baker to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Palo Alto avenue, Palo Alto avenue to the easterly line of the San Miguel rancho; thence along said line northerly to a point opposite Seventeenth street; thence along said line of Seventeenth street, if extended, to Kirkham street, Kirkham street to Locksley avenue, Locksley avenue to the westerly line of San Miguel rancho; thence along said line to Corbett avenue and Sloat boulevard; thence along said line of the Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said ocean northerly and easterly to Lobos creek; thence along the line of said creek and the southerly boundary line of the Presidio Reservation to Maple street, Maple to California, California to Baker, Baker to Pine, Pine to Laguna, the place of beginning, together with the islands known as

the Farallon Islands, shall constitute the twentieth senatorial district.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Twenty-first street with the center line of Dolores street; thence along the center line of the following named streets, to wit: Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, Bryant avenue to Army street, Army street to Mission street, Mission street to Twenty-ninth street, Twenty-ninth street to Dolores street, Dolores street to point of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Oak and Fillmore streets; thence along the center line of the following named streets: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to Dolores street, Dolores street to Twenty-second street, Twenty-second street to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to the westerly boundary line of the San Miguel rancho; thence along the line of said San Miguel rancho northeasterly to Locksley avenue, Locksley avenue to Kirkham street; thence along the line of Kirkham street, if extended, easterly to a point in the easterly boundary line of the San Miguel rancho opposite Seventeenth street; thence along said line southerly to Palo Alto avenue, Palo Alto avenue to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Frederick street, Frederick street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Fillmore street, the place of beginning, and the following described portions of the city and county of San Francisco, to wit: Commencing

at the point of intersection of the center line of Bryant avenue with the center line of Twenty-first street; thence along the center line of the following named streets, to wit: Bryant avenue to Army street, Army street to Connecticut street, Connecticut street to Twentieth street, Twentieth street to Bryant avenue, Bryant avenue to the point of beginning, shall constitute the twenty-first senatorial district.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-first street and Bryant avenue, continuing thence along the center line of the following named streets: Bryant avenue to Eleventh street, Eleventh to Market, Market street to Van Ness avenue, Van Ness avenue to Sutter street, Sutter street to Laguna, Laguna to O'Farrell, O'Farrell street to St. Joseph avenue, St. Joseph avenue to Turk street, Turk to Baker, Baker to Oak, Oak to Fillmore, Fillmore to Duboce avenue, Duboce avenue to Church street, Church street to Twenty-first street, Twenty-first street to San Carlos street, San Carlos street to Eighteenth street, Eighteenth street to Shotwell street, Shotwell street to Twenty-first street, Twenty-first street to Bryant avenue, the place of beginning, shall constitute the twenty-second senatorial district.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Twentieth street, Twentieth street to the Bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, and the following described portion of the city and county of San Francisco: Commencing at the point of intersection of the center line of Twentieth street

with the center line of Connecticut street; thence along the center line of the following named streets, to wit: Connecticut street to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the shore line of the Bay of San Francisco; thence northerly along said shore line to its intersection with the center line of Twentieth street; thence along the center line of Twentieth street to the point of beginning, shall constitute the twenty-third senatorial district.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to San Jose avenue, San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning; and all that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets; thence along the center line of the following named streets: Dolores street to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the intersection of the waters of the Pacific ocean; thence along the shore line of said ocean northerly to the Sloat boulevard; thence along Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second to Dolores street, the place of beginning, shall constitute the twenty-fourth senatorial district.

25. The counties of Ventura and Santa Barbara shall constitute the twenty-fifth senatorial district.

26. The county of Fresno shall constitute the twenty-sixth senatorial district.

27. All that portion of the county of Santa Clara not included in the twenty-eighth senatorial district, as designated and constituted by this section, shall constitute the twenty-seventh senatorial district.

28. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in nineteen hundred ten, to wit: Agnews, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas numbers one and two, Mountain View numbers one and two, Mount Hamilton, Orchard, Palo Alto numbers one, two, three, four and five, Purissima, San Jose numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, Santa Clara numbers one, two, three and four, Saratoga, Stanford, Stockton, Sunnyvale numbers one and two and University numbers one and two, shall constitute the twenty-eighth senatorial district.

29. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the north patent boundary line of the city of Los Angeles with the center line of the Los Angeles river; thence southeasterly and southerly along the center line of the Los Angeles river and the center line of the official bed of the Los Angeles river to its intersection with the center line of North Broadway from the east; thence along the center line of the following named streets, to wit: North Broadway to Daly street, Daly street to Mission road, Mission road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First

street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly along the line of assembly district number sixty-five, as designated and constituted by section ninety of this code, to the center line of the official bed of the Los Angeles river; thence southerly along the line last mentioned and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along the line last mentioned to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first street from the west, Twenty-first street to Maple avenue, Maple avenue to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out drive, Look Out drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary of the city of Los Angeles; thence easterly along the line last mentioned to the place of beginning, shall constitute the twenty-ninth senatorial district.

30. The counties of San Bernardino and Inyo shall constitute the thirtieth senatorial district.

31. All that portion of the county of Los Angeles embraced within and comprising the seventy-first and seventy-second assembly districts, as designated and constituted by section ninety of this code, shall constitute the thirty-first senatorial district.

32. The counties of Kings, Tulare and Kern shall constitute the thirty-second senatorial district.

33. All that portion of the county of Los Angeles embraced within and comprising the sixty-eighth and seventieth assembly districts, as designated and constituted by section ninety of this code, shall constitute the thirty-third senatorial district.

34. All that portion of the county of Los Angeles embraced within and comprising the sixty-second assembly district, as designated and constituted by section ninety of this code and all that portion of said county bounded as follows: Commencing at the intersection of the center line of Washington street and Hoover street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Seventh street, Seventh street to Vermont avenue, Vermont avenue to Melrose avenue, Melrose avenue to the west patent boundary line of said city; thence north along said patent boundary line to the northwest corner of said city as described in the United States patent; thence east along the north patent boundary of said city to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence northwesterly, westerly and southerly following the exterior lines of those portions of Tropico precinct numbers one and two, and of Ivanhoe precinct so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the center line of Washington street; thence east along said center line to the point of beginning, shall constitute the thirty-fourth senatorial district.

35. All that portion of the county of Los Angeles embraced within and comprising the sixty-sixth and

sixty-ninth assembly districts, as designated and constituted by section ninety of this code, shall constitute the thirty-fifth senatorial district.

36. All that portion of the county of Los Angeles embraced within and comprising the sixty-seventh assembly district as designated and constituted by section ninety of this code, and all that portion of said county embraced within and comprising the sixty-first assembly district, as so designated and constituted, excepting therefrom that portion of said sixty-first assembly district situate within the city of Los Angeles and lying west of the following described lines, to wit: Beginning at the intersection of the north patent boundary line of said city with the center line of the Los Angeles river; thence southeasterly and southerly along the center line of the Los Angeles river and the center line of the official bed of the Los Angeles river to its intersection with the center line of North Broadway from the east, shall constitute the thirty-sixth senatorial district.

37. All that portion of the county of Los Angeles described as follows: Beginning at the intersection of the center lines of Wall street and Fifth street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Echo Park avenue, Echo Park avenue and the prolongation thereof to the north patent boundary line of the city of Los Angeles; thence west along said boundary line to the northwest corner of said city as described in the United States patent; thence south along the west patent boundary line of said city to the center line of Melrose avenue; thence

along the center line of the following named streets, to wit: Melrose avenue to Vermont avenue, Vermont avenue to Seventh street, Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Blaine street, Blaine street to Tenth street, Tenth street to Georgia street, Georgia street to Ottawa street, Ottawa street to Figueroa street Figueroa street to Eleventh street, Eleventh street to Wall street, Wall street to Fifth street, the place of beginning, shall constitute the thirty-seventh senatorial district.

38. All that portion of the county of Los Angeles bounded as follows: Beginning at the intersection of the center line of Maple street and Eleventh street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Eleventh street to Figueroa street, Figueroa street to Ottawa street, Ottawa street to Georgia street, Georgia street to Tenth street, Tenth street to Blaine street, Blaine street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles; thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Compton avenue, Compton avenue to Twenty-first street, Twenty-first street to Central avenue, Central avenue to Twenty-first

street from the west; Twenty-first street to Maple avenue, Maple avenue to Eleventh street the place of beginning, shall constitute the thirty-eighth senatorial district.

39. The counties of Riverside, Orange and Imperial shall constitute the thirty-ninth senatorial district.

40. The county of San Diego shall constitute the fortieth senatorial district. [Amendment approved January 2, 1912; in effect March 24, 1912.]

Assembly Districts.

90. The state is hereby divided into eighty assembly districts, respectively numbered and constituted as follows:

1. The counties of Del Norte and Siskiyou shall constitute the first assembly district.

2. The county of Humboldt shall constitute the second assembly district.

3. The counties of Shasta and Trinity shall constitute the third assembly district.

4. The counties of Plumas, Lassen, Modoc and Sierra shall constitute the fourth assembly district.

5. The counties of Tehama, Glenn and Colusa shall constitute the fifth assembly district.

6. The county of Mendocino shall constitute the sixth assembly district.

7. The county of Butte shall constitute the seventh assembly district.

8. The counties of Yuba, Sutter and Yolo shall constitute the eighth assembly district.

9. The counties of Nevada and Placer shall constitute the ninth assembly district.

10. The county of Solano shall constitute the tenth assembly district.

11. The counties of Napa and Lake shall constitute the eleventh assembly district.

12. All that portion of the county of Sonoma comprising the following election precincts of nineteen hundred and ten, to wit: Bloomfield, Blucher, Bodega, Cazadero, Cotati, Dry Creek, Duncan's Mills, Forestville, Freestone, Graton, Healdsburg

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets, thence along the center line of the following named streets, to wit: Dolores to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line, westerly, to the waters of the Pacific ocean thence along the shore line of said ocean northerly, to the Sloat boulevard; thence along the center lines of the following named streets, to wit: Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second street to Dolores, the place of beginning, shall constitute the twenty-fourth assembly district.

25. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Eighteenth street and Dolores street, continuing along the center lines of the following named streets, to wit: Dolores to Twenty-ninth, Twenty-ninth to Mission, Mission to Army, Army to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth to Harrison, Harrison to Eighteenth, Eighteenth to Dolores, the point of commencement, shall constitute the twenty-fifth assembly district.

26. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister and Fillmore streets, continuing thence along the center line of the following named streets, to wit: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-second, Twenty-second to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton to Ashbury, Ashbury to Piedmont,

Piedmont to Masonic avenue, Masonic avenue to Java street, Java street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Masonic avenue, Masonic avenue to McAllister street, McAllister street to Fillmore street, the place of beginning, shall constitute the twenty-sixth assembly district.

27. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Masonic avenue thence along the center line of the following named streets, to wit: Masonic avenue to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Java street, Java street to Masonic avenue, Masonic avenue to Piedmont street, Piedmont street to Ashbury street, Ashbury street to Clayton street, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to Sloat boulevard, Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said ocean northerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, shall constitute the twenty-seventh assembly district.

28. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Parker avenue, thence along the center line of the following named streets, to wit: Parker avenue to California street, California street to Maple avenue, Maple avenue to the southerly line of the Presidio Reservation; thence westerly along the southerly boundary of the Presidio Reservation to Lobos creek; thence along the center line of Lobos creek to the waters of the Pacific ocean; thence westerly and southerly along the said shore line to Fulton street, Fulton street to Parker avenue, the point of beginning, together with the islands known as the Farallon islands, shall constitute the twenty-eighth assembly district.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister street and Van Ness avenue, thence along the center lines of the following named streets, to wit: Van Ness avenue to Market street, Market street to Eleventh street, Eleventh street to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth street to Harrison street, Harrison street to Eighteenth street, Eighteenth street to Church street, Church street to Duboce avenue, Duboce avenue to Fillmore street, Fillmore street to McAllister street, McAllister street to Van Ness avenue, the place of beginning, shall constitute the twenty-ninth assembly district.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to McAllister street, McAllister street to Masonic avenue, Masonic avenue to Fulton street, Fulton street to Parker avenue, Parker avenue to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the thirtieth assembly district.

31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to the bay of San Francisco; thence along the shore line of said bay to the waters of the Pacific ocean; thence along the shore line of said ocean to Lobos creek; thence along the line of said Lobos creek to the southerly boundary line of Presidio Reservation; thence along said boundary line to Maple street; Maple street to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point

of beginning, shall constitute the thirty-first assembly district.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing along the center line of the following named streets, to wit: Van Ness avenue to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Jones street, Jones street to Green street, Green street to Mason street, Mason street to Ellis street, Ellis street to Jones street, Jones street to Market street, Market street to Van Ness avenue, the point of beginning, shall constitute the thirty-second assembly district.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Market street and Jones street, continuing thence along the center line of the following named streets, to wit: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Jones, Jones to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market street to Jones street, the point of beginning, and the islands of the bay of San Francisco within the city and county of San Francisco, shall constitute the thirty-third assembly district.

34. All that portion of the county of Alameda lying easterly of a line described as follows: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly following along the

center line of East Fourteenth street to the center line of Moss avenue, in the city of Oakland; thence northeasterly along the center line of Moss avenue and a direct extension of said center line to the northeasterly boundary line of the city of Oakland; thence following the said northeasterly boundary line of the city of Oakland in a northwesterly direction to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the thirty-fourth assembly district.

35. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of the county of Alameda; thence in an easterly and northerly direction along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence in an easterly direction along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly following the said town line to the center line of East Fourteenth street; thence northwesterly following the center line of East Fourteenth street and an extension of the same to its intersection with the line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary line of Alameda township to its intersection with the westerly boundary line of Alameda county; thence southeasterly along said county boundary line to the point of beginning, shall constitute the thirty-fifth assembly district.

36. All that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street in the city of Oakland; thence northwesterly along

the center line of East Fourteenth street and an extension of said center line to a point where the same intersects the westerly boundary line of Brooklyn township, in Lake Merritt; thence northeasterly following along the boundary line between Brooklyn and Oakland townships to the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly following the said boundary line of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Oakland; thence southeasterly following said city boundary line to a point where the same would be intersected by a direct extension northeasterly of the center line of Moss avenue; thence southwesterly along said extension and along the center line of Moss avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center line of Thirteenth avenue and the point of beginning, shall constitute the thirty-sixth assembly district.

37. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Broadway is intersected by the center line of Thirteenth street, in the city of Oakland; thence southeasterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence northeasterly following along the line dividing Brooklyn and Oakland townships to a point in the southerly boundary line of the city of Piedmont; thence easterly, northerly and westerly, following the southern, eastern and northern boundary line of the city of Piedmont to its intersection with the eastern boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence northwesterly along the easterly boundary line of

the city of Oakland, as the same existed prior to the annex of 1909, to its intersection with the center line of Broadway; thence southerly along the center line of Broadway to the center line of Fifty-first or Vernon street; thence westerly following along the center line of Fifty-first street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Temescal creek; thence westerly down the center of Temescal creek to the center of Grove street; thence southerly along the center of Grove street to the center of San Pablo avenue; thence southerly along the center of San Pablo avenue to the center of Broadway; thence southerly along the center of Broadway to the center of Thirteenth street, and the point of beginning, shall constitute the thirty-seventh assembly district.

38. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence southerly along the center line of Grove street to the center line of San Pablo avenue; thence southerly along the center line of San Pablo avenue to the center line of Broadway; thence southerly along the center line of Broadway to the center line of Thirteenth street; thence easterly along the center line of Thirteenth street and a direct extension of said center line to its intersection with the line dividing Brooklyn and Oakland townships; thence southerly along the line dividing Oakland and Brooklyn townships to the line dividing Oakland and Alameda townships; thence westerly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the point of beginning, shall constitute the thirty-eighth assembly district.

39. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-second street in the city of Oakland; thence easterly along the center line of Twenty-second street to the center line of Grove street; thence northerly along the center line of Grove street to the center of Temescal creek; thence westerly down the center of Temescal creek to the town of Emeryville; thence westerly and northerly following the boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and a direct extension of same to its intersection with the westerly boundary line of Alameda county; thence southerly along the westerly boundary line of Alameda county to its intersection with the line dividing Oakland and Alameda townships; thence easterly along the line dividing Oakland and Alameda townships to a point where a direct extension of the center line of Adeline street would intersect the same; thence northerly along said extension and along the center line of Adeline street to the center line of Twenty-second street and the point of beginning, shall constitute the thirty-ninth assembly district.

40. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the easterly boundary line of the town of Emeryville is intersected by the southerly boundary line of the city of Berkeley; thence southerly and easterly along the boundary line of the town of Emeryville to a corner thereof, the same being in the center of Temescal creek; thence up the center of Temescal creek to the center line of Shattuck avenue; thence northerly along the center line of Shattuck avenue to the center line of Russell street; thence westerly along the center line of Russell street to the center line of Milvia street; thence northerly along the center line of Milvia street to the center

line of Codornices creek; thence westerly down the center line of Codornices creek to the easterly boundary line of the town of Albany; thence northerly along the easterly boundary line of the town of Albany to the northern boundary of the county of Alameda; thence westerly and southerly along the northern and western boundary line of the county of Alameda to a point where said boundary line would be intersected by a direct extension westerly of the southerly boundary line of the city of Berkeley; thence easterly along said extension and along the southerly boundary line of the city of Berkeley to the point of beginning, shall constitute the fortieth assembly district.

41. All of that portion of the county of Alameda described as follows, to wit: Beginning at a point where the center line of Shattuck avenue is intersected by the center line of Fifty-first street or Vernon street, in the city of Oakland; thence easterly along the center line of Fifty-first or Vernon street to the center line of Broadway; thence northeasterly along the center line of Broadway to its intersection with the northeasterly boundary line of the city of Oakland, as the same existed prior to the annex of 1909; thence southeasterly along said boundary line of the city of Oakland as the same existed prior to the annex of 1909 to its intersection with the northerly boundary line of the city of Piedmont; thence easterly following the northerly boundary line of the city of Piedmont to its intersection with the boundary line dividing Brooklyn and Oakland townships; thence northeasterly along the line dividing Brooklyn and Oakland townships to its intersection with the northeasterly boundary line of Alameda county; thence northwesterly and westerly following along the county boundary line to its intersection with the easterly boundary line of the town of Albany; thence southerly along the easterly boundary line of the town of Albany to its intersection with the center of Codornices creek; thence easterly up the center of

Codornices creek to its intersection with the center line of Milvia street; thence southerly along the center line of Milvia street to the center line of Russell street; thence easterly along the center line of Russell street to the center line of Shattuck avenue; thence southerly along the center line of Shattuck avenue to the center line of Fifty-first or Vernon street and the point of beginning, shall constitute the forty-first assembly district.

42. The county of San Mateo shall constitute the forty-second assembly district.

43. The county of Santa Cruz shall constitute the forty-third assembly district.

44. All that portion of the county of Santa Clara not included in the forty-fifth assembly district shall constitute the forty-fourth assembly district.

45. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election in 1910, to wit: Agnew, that part of Alameda precinct lying north of the center line of Park avenue, Alviso, Berryessa, Burbank, that part of Crandalville precinct number one lying outside of the city limits of the city of San Jose, as established in 1911, Cupertino, East San Jose number two, Fremont, Jefferson, Mayfield, Milpitas (numbers one and two), Mountain View (numbers one and two), Mount Hamilton, Orchard, Palo Alto (numbers one to five, inclusive), Purissima, San Jose (numbers one to twelve inclusive), Santa Clara (numbers one to four, inclusive), Saratoga, Stanford, Stockton, Sunnyvale (numbers one and two), and University (numbers one and two), shall constitute the forty-fifth assembly district.

46. The county of Stanislaus shall constitute the forty-sixth assembly district.

47. The counties of Mariposa, Tuolumne, Mono and Inyo shall constitute the forty-seventh assembly district.

48. The counties of Monterey and San Benito shall constitute the forty-eighth assembly district.

49. The counties of Merced and Madera shall constitute the forty-ninth assembly district.

50. All that portion of the county of Fresno comprising the precincts of Black Mountain, Balfour, Barstow, Bryant, Cantua, Central Colony, Coalinga No. 1, Coalinga No. 2, Coalinga No. 3, Coalinga No. 4, Coalinga No. 5, Crescent, Chicago, Fresno Colony, Fowler, Firebaugh, Houghton, Huron, Iowa, Jameson, Kerman, Kingsburg, Layton, Laguna, Liberty, Lewis Creek, Lucern, Madison, Mendota, Monroe, New Hope, Oleander, Panoche, Pleasant Valley, Terry, Washington Colony, Wildflower, Warthan and West Park, shall constitute the fiftieth assembly district.

51. All that portion of the county of Fresno included in and comprising Fresno City precincts numbered one to twenty-five, both inclusive, and the precincts of Hedges, Belmont, Arlington and East Fresno shall constitute the fifty-first assembly district.

52. All that portion of the county of Fresno not included in the fiftieth and fifty-first assembly districts, shall constitute the fifty-second assembly district.

53. The county of San Luis Obispo shall constitute the fifty-third assembly district.

54. The county of Kings shall constitute the fifty-fourth assembly district.

55. The county of Tulare shall constitute the fifty-fifth assembly district.

56. The county of Kern shall constitute the fifty-sixth assembly district.

57. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Oro Grande, and Barstow, shall constitute the fifty-seventh assembly district.

58. All that portion of the county of San Bernardino not included within the fifty-seventh assem-

bly district, as fixed and defined in this act, shall constitute the fifty-eighth assembly district.

59. The county of Santa Barbara shall constitute the fifty-ninth assembly district.

60. The county of Ventura shall constitute the sixtieth assembly district.

61. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: La Liebre, Del Sur, Lancaster, Palmdale, Acton, Newhall, San Fernando, Chatsworth, Calabasas, Lankershim, La Canada, Sunland, Burbank, Glendale City, Eagle Rock, Annandale, Hermon, that part of Ivanhoe and of Tropico numbers one and two not included within the city of Los Angeles, as the boundaries of said city existed November 1, 1911, and the following described portion of the city of Los Angeles: Beginning at the northeast corner of said city as described in the United States patent; thence following the exterior boundary line of said city as the same existed November 1, 1911, north, northeasterly, easterly, northerly and easterly in a general northeasterly direction to the extreme northeastern corner of said city; thence along the north line of said city west, southwest and southerly following such exterior boundary line of said city to the north patent boundary thereof; thence along the same west to the center line of Alvarado street; thence along the center line of the following named streets, to wit: Alvarado street to Sunset boulevard, Sunset boulevard to Park Terrace, Park Terrace to Look Out Drive, Look Out Drive to Adobe street, Adobe street to Bernardo street, Bernardo street to North Broadway, North Broadway (crossing the official bed of the Los Angeles river) to Daly street, Daly street to Pasadena avenue, Pasadena avenue to Avenue 35, Avenue 35 to Griffin avenue, Griffin avenue and its extension to the north patent boundary line of said city; thence east along said line to the place of beginning, shall constitute the sixty-first assembly district.

62. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Redondo Beach City numbers one and two, Hermosa Beach City, Wiseburn, Inglewood City, Freeman, Del Rey, Ocean Park City numbers one, two and three, Moneta, Howard, Ballona, Cienega, Santa Monica City numbers one, two, three, four, five, six, seven, eight and nine, Malibu, National Military Home numbers one, two, three, four, five and six, Sawtelle City numbers one, two and three, and Sherman, shall constitute the sixty-second assembly district.

63. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of Washington and Hoover streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hoover street to Pico street, Pico street to Hoover street, Hoover street to Carondelet street, Carondelet street to Ninth street, Ninth street to Hoover street, Hoover street to Benton boulevard, Benton boulevard to Sixth street, Sixth street to Hoover street, Hoover street to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Sunset boulevard, Sunset boulevard to Alvarado street, Alvarado street to the north patent boundary of said city; thence along the same east to the easterly line of that portion of Tropico precinct number two annexed to said city prior to November 1, 1911; thence northwesterly, westerly and southerly, following the exterior lines of those portions of Tropico precincts numbers one and two, and of Ivanhoe precinct, so annexed to said city, to the north line of the former city of Hollywood, the same being a point in the present north boundary line of the city of Los Angeles; thence following the boundary line of said city of Los Angeles westerly, southerly, westerly, southerly, westerly, southerly, easterly, southerly, easterly and southerly to the

center line of Washington street; thence east along said center line to the point of beginning, shall constitute the sixty-third assembly district.

64. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Hill and Seventh streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Hill street to Temple street, Temple street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Alpine street, Alpine street to Cleveland street, Cleveland street to College street, College street to Adobe street, Adobe street to Look Out Drive, Look Out Drive to Park Terrace, Park Terrace to Sunset boulevard, Sunset boulevard to Occidental boulevard, Occidental boulevard to First street, First street to Occidental boulevard, Occidental boulevard to Hoover street, Hoover street to Sixth street, Sixth street to Benton boulevard, Benton boulevard to Hoover street, Hoover street to Seventh street, Seventh street to Hill street, the point of beginning, shall constitute the sixty-fourth assembly district.

65. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of the center lines of North Broadway and Daly street, in the city of Los Angeles; thence along the center lines of the following named streets, to wit: North Broadway (crossing the official bed of the Los Angeles river), to Bernardo street, Bernardo street to Adobe street, Adobe street to College street, College street to Cleveland street, Cleveland street to Alpine street, Alpine street to Hill street, Hill street to Sunset boulevard, Sunset boulevard to Hill street, Hill street to Temple street, Temple street to Hill street, Hill street to Fifth street, Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and its easterly extension to the intersection with the center line of Gless street, Gless street to Fifth street, Fifth street to Pecan street, Pecan street to First street, First street to

Pleasant avenue, Pleasant avenue to Brooklyn avenue, Brooklyn avenue to Macy street, Macy street to Gallardo street, Gallardo street to Mission Road, Mission Road to Daly street, Daly street to North Broadway, the point of beginning, shall constitute the sixty-fifth assembly district.

66. All that portion of the county of Los Angeles bounded as follows: Commencing at the northeastern corner of the city of Los Angeles, as the same is described in the United States patent; thence westerly along the northern patent boundary line of said city to the center line of Griffin avenue, or the northerly prolongation thereof; thence along the northerly prolongation of said center line and along the center line of the following named streets, to wit: Griffin avenue to Avenue 35, Avenue 35 to Pasadena avenue, Pasadena avenue to Daly street, Daly street to Mission Road, Mission Road to Gallardo street, Gallardo street to Macy street, Macy street to Brooklyn avenue, Brooklyn avenue to Pleasant avenue, Pleasant avenue to First street, First street to Pecan street, Pecan street to Fifth street, Fifth street to Gless street, Gless street to Sixth street, Sixth street and its extension westerly, along the line of assembly district number sixty-five, as constituted and designated by this section, to the center line of the official bed of the Los Angeles river; thence southerly along said center line and its southerly prolongation to the south boundary of said city; thence east along said boundary line to the southeastern corner of said city; thence north along the east line of said city to the point of beginning, shall constitute the sixty-sixth assembly district.

67. All that portion of the county of Los Angeles included within and comprising the following election precincts of nineteen hundred ten, to wit: Pasadena City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, tweny-two and twenty-

three, and Altadena, shall constitute the sixty-seventh assembly district.

68. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Claremont City, La Verne, Lordsburg City, San Dimas, Pomona City numbers one, two, three, four, five and six, Spadra, Azusa, Azusa City, Glendora, Covina, Covina City, Rowland, Rivera, Los Nietos, Whittier City numbers one, two, three, and four, and all of El Monte precinct except that portion thereof lying north of the westerly prolongation of the south line of Santa Anita precinct and except that portion thereof lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the sixty-eighth assembly district.

69. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Monrovia City numbers one, two and three, Duarte, Arcadia City numbers one and two, Sierra Madre City, Lamanda numbers one and two, Santa Anita, San Gabriel, Alhambra City numbers one, two and three, South Pasadena City numbers one, two and three, Baird, Belvidere numbers one and two, Montebello, Laguna, Fruitland, Vernon City, Huntington Park City numbers one and two, that part of the precincts of Miramonte and Florence lying east of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and that part of the precinct of El Monte lying north of the westerly prolongation of the southerly line of Santa Anita precinct and also that part of said precinct of El Monte lying west of the line dividing ranges eleven and twelve west, in township one south, San Bernardino base and meridian, shall constitute the sixty-ninth assembly district.

70. All that portion of the county of Los Angeles

included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Long Beach City numbers one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, Naples, Alamitos, Cerritos, Artesia, Norwalk, La Mirada, East Whittier, Downey numbers one and two, Clearwater, Willowbrook, Dominguez, Watts City, Compton City, and that part of Wilmington precinct which was annexed to the city of Long Beach prior to November 1, 1911, shall constitute the seventieth assembly district.

71. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Catalina, Lomita, Green Meadows, Gardena numbers one and two, all of Wilmington precinct, except the part which was prior to November 1, 1911, annexed to the city of Long Beach, that part of the precincts of Miramonte and Florence lying west of the center line of the right of way of the Long Beach line of the Pacific Electric Railway Company, and Los Angeles City precincts numbers one hundred ninety-two, one hundred ninety-three, one hundred ninety-four, one hundred ninety-seven, one hundred ninety-eight, one hundred ninety-nine, two hundred, two hundred four, two hundred five, two hundred six, two hundred seven, two hundred eight, two hundred eleven, two hundred thirteen, two hundred eighteen, two hundred nineteen, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred twenty-six, two hundred twenty-seven, two hundred twenty-eight, two hundred twenty-nine and two hundred thirty, shall constitute the seventy-first assembly district.

72. All that portion of the county of Los Angeles included within and comprising the following election precincts, and parts of election precincts of nineteen hundred ten, to wit: Los Angeles City

numbers one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, one hundred seventy-one, one hundred seventy-two, one hundred seventy-three, one hundred seventy-four, one hundred seventy-five, one hundred seventy-six, one hundred seventy-eight, one hundred seventy-nine, one hundred eighty, one hundred eighty-one, one hundred eighty-two, one hundred eighty-three, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine, one hundred ninety, one hundred ninety-one, that part of Los Angeles City precinct number one hundred fifty-seven lying south of the center line of Jefferson street, and all of Los Angeles City precinct number one hundred seventy-seven, except that portion thereof bounded by the west patent boundary line of the city of Los Angeles, the center line of Hoover street (formerly Kingsley street) and the center line of West Jefferson street, shall constitute the seventy-second assembly district.

73. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Main and Washington street, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Main street to Jefferson street, Jefferson street to Figueroa street, Figueroa street to Vernon avenue, Vernon avenue to McKinley avenue, or the northerly prolongation of McKinley avenue from the south, McKinley avenue and said prolongation to Fifty-first street, Fifty-first street to Central avenue, Central avenue to Fifty-first street, Fifty-first street to Hooper avenue, Hooper avenue to Fifty-first street, Fifty-first street and the easterly prolongation thereof to a point in the easterly boundary line of the city of Los Angeles, thence in a northerly direction along said boundary line to the southerly charter boundary line of the city of Los Angeles where the same intersects the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to

Central avenue, Central avenue to Washington street, Washington street to Main street, the point of beginning, shall constitute the seventy-third assembly district.

74. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Fifth and Hill streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Fifth street to Central avenue, Central avenue to Sixth street, Sixth street and the extension thereof along the line of assembly district number sixty-five, as designated and constituted by this section, to the center line of the official bed of the Los Angeles river; thence southerly along the last mentioned line and the prolongation thereof to the south boundary line of the city of Los Angeles; thence westerly along said boundary line to the center line of Alameda street, Alameda street to Twentieth street, Twentieth street to Central avenue, Central avenue to Washington street, Washington street to Hill street, Hill street to Fifth street, the point of beginning, shall constitute the seventy-fourth assembly district.

75. All that portion of the county of Los Angeles bounded as follows: Commencing at the intersection of Seventh and Hill streets, in the city of Los Angeles; thence along the center line of the following named streets, to wit: Seventh street to Hoover street, Hoover street to Ninth street, Ninth street to Carondelet street, Carondelet street to Hoover street, Hoover street to Pico street, Pico street to Hoover street, Hoover street to Jefferson street, Jefferson street to Main street, Main street to Washington street, Washington street to Hill street, Hill street to Seventh street, the point of beginning, shall constitute the seventy-fifth assembly district.

76. The county of Orange shall constitute the seventy-sixth assembly district.

77. The county of Riverside shall constitute the seventy-seventh assembly district.

78. The county of Imperial shall constitute the seventy-eighth assembly district.

79. All that portion of the county of San Diego included within the corporate limits of the city of San Diego shall constitute the seventy-ninth assembly district.

80. All that portion of the county of San Diego not included in the seventy-ninth assembly district shall constitute the eightieth assembly district. [Amendment approved January 2, 1912; in effect March 24, 1912.]

Congressional Districts.

117. The state is divided into eleven congressional districts, which shall be designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Mendocino, Glenn, Butte, Yuba, Sutter, Marin, Colusa, Lake and Sonoma shall constitute the first congressional district.

2. The counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne and Mariposa shall constitute the second congressional district.

3. The counties of Napa, Yolo, Sacramento, Solano, Contra Costa and San Joaquin shall constitute the third congressional district.

4. All that portion of the city and county of San Francisco comprising the twenty-eighth, thirty-first, thirtieth, thirty-second, thirty-third and twenty-first assembly districts, as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the legislature commencing November 27, 1911, shall constitute the fourth congressional district.

5. All that portion of the city and county of San Francisco not included in the fourth congressional district shall constitute the fifth congressional district.

6. The county of Alameda shall constitute the sixth congressional district.

7. The counties of Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern shall constitute the seventh congressional district.

8. The counties of San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and Ventura shall constitute the eighth congressional district.

9. All that portion of the county of Los Angeles comprising the sixty-first, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth assembly districts, as such districts are constituted by section ninety of this code, as amended at the extraordinary session of the legislature commencing November 27, 1911, shall constitute the ninth congressional district.

10. All that portion of the county of Los Angeles not included in the ninth congressional district shall constitute the tenth congressional district.

11. The counties of San Bernardino, Orange, Riverside, San Diego, Mono, Inyo and Imperial shall constitute the eleventh congressional district. [Amendment approved January 2, 1912; in effect March 24, 1912.]

LEGISLATIVE OFFICERS.

Election of Senators.

227. At the general election in the year 1908, and every four years thereafter, a Senator shall be elected in each odd-numbered Senatorial district constituted in Section 78 of this Code. At the general election in the year 1910, and every four years thereafter, a Senator shall be elected in each even-numbered district constituted in Section 78 of this Code. [Amendment approved March 19, 1907; in effect in sixty days.]

Election of Assemblymen.

228. At the general election in the year 1908, and every two years thereafter, a Member of the Assembly shall be elected in each of the Assembly

districts constituted by Section 90 of this Code. [Amendment approved March 19, 1907; in effect in sixty days.]

Change of Precinct Boundaries.

229. Neither Boards of Supervisors, municipal officers, nor any other officer or officers, shall have the power to alter the boundaries of any township, ward, election precinct, or other local subdivision, of any county, city and county, city or town, so as to change the boundaries of any Senatorial or Assembly district as constituted and defined in Chapter II of Title I of Part II of this Code. [Amendment approved March 19, 1907; in effect in sixty days.]

GENERAL PROVISIONS RELATING TO ELECTIONS.

General Election, When Held.

1041. There must be held throughout the State, on the first Tuesday after the first Monday of November, in the year eighteen hundred and eighty, and in every second year thereafter, an election, to be known as the general election. [Amendment approved April 16, 1880; in effect immediately.]

52 Cal. 169; 56 Cal. 98; 58 Cal. 560; 62 Cal. 572; 130 Cal. 94; 141 Cal. 430.

Special Elections.

1043. Special elections are such as are held to supply vacancies in any office, and are held at such times as may be designated by the proper board or officer.

52 Cal. 169; 55 Cal. 617; 114 Cal. 364; 130 Cal. 94.

Municipal Elections—How Conducted.

1044. Except in the particulars or cases otherwise provided for in the constitution or laws of the state or by the provisions of a freeholder char-

ter duly adopted or amended pursuant to the constitution of this state, all municipal elections, where the same are held separate from state elections, and all elections held under the authority of Section eight of Article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and all other special elections, including all special elections to vote upon or for or against any proposition or question authorized to be submitted to a vote, shall be conducted under the provisions of sections 1044, 1120, 1121, 1133 and 1151 of this code. [Amendment approved April 12, 1911.]

ELECTION PROCLAMATIONS.

Governor to Issue Election Proclamation.

1053. At least thirty days before a general election, and whenever he orders a special election to fill a vacancy in the office of State Senator or member of Assembly, at least ten days before such special election the Governor must issue an election proclamation, under his hand and the Great Seal of the State, and transmit copies thereof to the Boards of Supervisors of the counties in which such elections are to be held. [Amendment approved April 16, 1880; in effect immediately.]

91 Cal. 435.

Contents of.

1054. Such proclamation must contain:

1. A statement of the time of election, and of the offices to be filled.

2. An offer of rewards, in the following form: "And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person violating any of the provisions of Title IV, Part I, of the Penal Code; such rewards to be paid until the total amount hereafter expended

for the purpose reaches the sum of ten thousand dollars."

55 Cal. 617; 91 Cal. 435.

Duty of Supervisors in Respect To.

1055. The Board of Supervisors, upon the receipt of such proclamation may, in case of general or special elections, cause a copy of the same to be published in some newspaper printed in the county, if any, and to be posted at each place of election at least ten days before the election; and in case of special elections to fill a vacancy in the office of State Senator or member of Assembly, the Board of Supervisors, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published or posted as hereinbefore provided, except that such publication or posting need not be made for a longer period than five days before such election. [Amendment approved April 16, 1880; in effect immediately.]

53 Cal. 393; 56 Cal. 116; 91 Cal. 435.

When Supervisors Must Issue.

1056. Whenever a special election is ordered by the Board of Supervisors, they must issue an election proclamation, containing the statement provided for in subdivision one, of section ten hundred and fifty-four, and must publish and post it in the same manner as proclamations issued by the Governor.

55 Cal. 621; 91 Cal. 435.

MISCELLANEOUS PROVISIONS.

Plurality Elects.

1066. The person receiving at any election a plurality of the votes polled for any office to be filled at such election, is elected thereto; provided, that in any city, county or city and county which, by its charter, prescribes for the election of its officers a higher proportion of votes than a plurality,

such higher proportion of votes as may be so prescribed shall be necessary for such election; and provided, further, that in any municipality organized or incorporated under general laws, such higher proportion of votes than a plurality as may be prescribed by general law shall be necessary for the election of the officers of such municipality. [Amendment approved December 18, 1911; in effect March 24, 1912.]

132 Cal. 284; 143 Cal. 549; 7 Cal. App. 152.

In Case of Tie Vote.

1067. If at any election, except that for Governor or Lieutenant-Governor, two or more persons receive an equal and the highest number of votes, there is no choice, and a special election to fill such office must be ordered by the proper Board or officer.

132 Cal. 284; 143 Cal. 546, 547, 549; 151 Cal. 452, 453.

Proceedings in Case of Tie Vote for Governor or Lieutenant-Governor.

1068. In case any two or more persons have an equal and highest number of votes for either Governor or Lieutenant-Governor, the Legislature must, by a joint vote of both houses, choose one of the persons to fill such office.

Voters Privileged From Arrest, When.

1069. Electors are privileged from arrest, except for an indictable offense, during their attendance on the election, and in going to and returning from the same.

Excused From Militia Duty, When.

1070. No elector is obliged to perform militia duty on the day of election, except in time of war or public danger.

No Fees for Registration.

1071. No fees must be charged for registration or certificates thereof.

Compensation of Officers.

1072. Each member upon a Board of Election in any county, or city and county, in the State, and each clerk thereof, shall receive as compensation for his services upon such Board a sum not to exceed ten dollars, which sum shall be paid out of the treasury of the county, or city and county, in which such persons act. [Amendment approved March 20, 1889.]

142 Cal. 517.

Assignment or Transfer by Election Officer of Compensation, a Misdemeanor.

1072a. It shall be unlawful for any person serving as an election officer, or who has served as an election officer at an election, or who has been appointed to serve as an election officer at any election, to assign or in any manner transfer the compensation which he will receive or be entitled to receive, or to have allowed to him for service as an election officer at any precinct, to any person, persons or corporation, until after the full completion of the election at the precinct, or until after the returns of such election from the precinct where he served as an election officer, have been sealed and delivered to the county clerk or registrar of voters, or postmaster or express agent, as provided by section 1264 of the Political Code, and it shall be unlawful for any person, persons or corporation, or their agent or servant, to either directly or indirectly receive any such assignment or transfer, or pay or advance any sum of money whatever, to any such election officer or to any person for the use of such election officer, until said election returns have been sealed and delivered as hereinbefore provided. Any person who shall violate any provision of this section shall be guilty of a misdemeanor. [New section approved May 1, 1911.]

Blanks to Be Prepared.

1073. The necessary printed blanks for poll lists, tally lists, lists of voters, oath, and returns, to-

gether with envelopes in which to inclose returns, must be furnished by the Board of Supervisors to the officers of each election precinct at the expense of the county.

BOARDS OF ELECTION COMMISSIONERS.

County, City, and City and County Boards of Election Commissioners.

1075. The board of supervisors of each county is ex officio the board of election commissioners in and for the county, and the common council, or other governing body of a city, is ex officio the board of election commissioners in and for such city; provided, that in any city and county of this state having four hundred thousand or more inhabitants as shown by the last federal census, the board of election commissioners shall consist of four persons, citizens and electors of such city and county, each of whom must be a freeholder, and have been an actual resident of said city and county at least five years preceding his appointment, who shall be appointed by the mayor; provided, that the respective executive committees of the state committees of either of the political parties who may be entitled under the provisions of this act to have members of their party appointed as members of said board of election commissioners shall have the right, within ten days after such appointment, to file with the mayor a written protest against the appointment of a member of said board of election commissioners, as having been appointed as one of affiliation with said party, on the grounds that said appointee is not a person of well-known affiliation and standing with said party from which he has been appointed; and the mayor thereupon shall make another appointment in the place of the party against whom the protest has been filed. The members of said commission shall be ineligible to any other office or public employment, elective or appointive, during the term for which they have

been appointed and for one year thereafter. Two of the persons so appointed shall be selected from the body of citizens and electors of such city and county, of known affiliation with and belonging to the political party or organization which at the last presidential election held in such city and county, polled within said city and county, the highest number of votes cast for the candidates of the political party for presidential electors at such election; and the two remaining members of said board shall be selected from the body of electors of such city and county, of known affiliation with and belonging to the political party which, at the last presidential election held at such city and county, polled within such city and county, the next highest number of votes cast for the candidates for presidential electors of a political party.

The members of said commission shall, every two years, choose one of their number as chairman; in the event of their failure to select a chairman in five ballots, the oldest of said members in point of years shall be chairman.

The persons first appointed as such board of election commissioners shall be appointed on the first Monday of July, eighteen hundred and ninety-five, and shall each hold their office for the term of four years from and after the date of their appointment, except that of those first appointed, two (one belonging to each political party or organization as aforesaid), to be designated by the mayor, shall retire at the end of two years, when their successors shall be appointed by the mayor.

Whenever any vacancy shall occur in the said board, such vacancy shall be filled by appointment as herein prescribed, and the persons so appointed to fill such vacancy shall be selected in the same manner and from the same political party or organization with which his predecessor in office affiliated and belonged at the time of his appointment thereto, and shall hold office for the balance of the unexpired term to which he was appointed.

The salary of each member of the board of elec-

tion commissioners in and for a city and county, having four hundred thousand or more inhabitants as shown by the last federal census shall be seven hundred and fifty dollars per annum, payable in equal monthly installments, out of the treasury of such city and county, in the same manner as the salaries of other officers of said city and county, are paid. [Amendment approved April 7, 1911; in effect immediately.]

111 Cal. 99, 100; 143 Cal. 471.

Powers of Commissioners.

1076. The board of election commissioners, as provided for in this article, shall, within their respective counties, cities, or cities and counties, be invested with and shall exercise all the powers conferred, and shall discharge and perform all the duties imposed by this code or by any law of this state, upon boards of supervisors of the several counties, or upon the common council or other governing body of cities, or upon any other board or body, in respect to the conduct, control, management, and supervision of elections, and all matters pertaining to elections held within the respective counties, cities, or cities and counties, as the same are now or may be hereafter prescribed by law. [New section approved March 28, 1895; in effect July 1, 1895.]

(NOTE.—The article herein referred to includes sections 1075-1080 inclusive.)

Secretary and Clerks of Commissioners.

1077. The county clerk is ex officio clerk of the board of election commissioners of the county, and the clerk or secretary of the common council or other governing body of a city is ex officio the clerk or secretary of the board of election commissioners of the city; provided, that in cities and counties of this state having four hundred thousand or more inhabitants, the board of election commissioners shall appoint a suitable person, not one of their own number, to act as secretary at a salary not to

exceed two hundred and fifty dollars per month, payable in the same manner as the salaries of the commissioners are paid. Such secretary shall hold his office during the pleasure of the said board.

The secretary of the board of election commissioners shall not, during the term of his office, engage in any other calling or trade, or profession or employment, and shall be ineligible to be a candidate or delegate to any convention which shall nominate candidates for office, and he shall be ineligible to be voted for for any office while acting as such secretary; and if these provisions of the law are not obeyed, it shall be the duty of the board of election commissioners forthwith to declare his place vacated, and the vacancy shall be filled in the same manner and terms as provided for in the original appointment.

Each member of the board of election commissioners, and the secretary elected by said board of election commissioners, shall, within fifteen days after receiving notice of their appointment, take the usual oath of office before any judge of the superior court of said city and county, and said oaths of office shall be filed with the county clerk of said city and county.

The board of election commissioners shall have the power to appoint all deputies, and such clerks as may be necessary, and to fix their salaries at the time of their employment. All deputies and clerks thus appointed shall be equally divided between the representatives of the political parties that polled the highest and the next to the highest number of votes at the preceding presidential election. The salaries of all deputies and clerks that may be appointed by said board of election commissioners shall be payable in equal monthly installments out of the treasury of said city and county, in the same manner as the salaries of other officers of such city and county, are paid.

The members of the board of election commissioners, the secretary of the board of election commissioners, all deputies and clerks appointed by the

board of election commissioners, and all election officers, shall have the power to administer oaths; and any false oaths taken before them, or either of them, shall be deemed to be perjury, and the person so convicted thereof shall be punished according to law. [Amendment approved April 7, 1911; in effect immediately.]

143 Cal. 471.

Clerk—Powers of. Secretary in Cities and Counties of Four Hundred Thousand.

1078. The county clerk of each county, and the clerk or secretary of the common council of a city, shall, within their respective counties or cities, exercise all the powers conferred, and shall discharge and perform all the duties imposed by this code, or by any law of this state, upon such officers in respect to the conduct, management, and supervision of elections, and matters pertaining to elections, held within the respective counties or cities, as the same are now or may be hereafter prescribed by law;

Provided, that in any city and county having four hundred thousand or more inhabitants, the secretary of the board of election commissioners, under the direction of the board of election commissioners, shall exercise all the powers conferred and shall discharge and perform all the duties imposed by this code, or by any law of this state, upon the county clerk or any other officer in such cities and counties, in respect to the conduct and supervision of matters relating to elections held within such cities and counties, as the same are now or may be hereafter prescribed by law. [Amendment approved April 7, 1911; in effect immediately.]

143 Cal. 471.

Expenditures in Respect to Elections.

1079. Whenever the clerk, secretary or any other officer of a county, city, or city and county, is charged with the performance of any official duty, in respect to elections, which involves the expenditure of public moneys, such expenditures shall be subject

to the control and supervision of the Board of Election Commissioners; and when any printing or other service is to be performed, or materials are to be furnished, the amount of which in the aggregate shall exceed the value of five hundred dollars, it shall be the duty of the Board of Election Commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work or furnishing other and similar materials, for county, city, or city and county purposes; provided, that no such proposal or bid shall be required for the contract to print ballots or the printed index of the precinct registers, or the tally lists, if, in the judgment of the county clerk or registrar of voters, the time within which such ballots or index must be had does not reasonably admit of such proposal and bid, or where an emergency requires the immediate performance of a duty relating to the management or conduct of an election and delay in the performance of such duty might imperil the holding of the election at the time and in the manner provided by law. [Amendment approved April 12, 1911.]

Application of Provisions of This Article.

1080. Nothing contained in this article affects any of the provisions of this code, or of any statute of this state, touching the registration and qualification of voters and the method of calling, holding, and conducting elections, in force in any county, city, or city and county; but such provisions and statutes are recognized as continuing in force, except so far as they are inconsistent with the provisions of this article upon the subject to which this article relates. [New section approved March 28, 1895; in effect July 1, 1895.]

(NOTE.—"This article" includes sections 1075-1080 inclusive.)

QUALIFICATIONS AND DISABILITIES OF ELECTORS.

Qualifications of Electors.

1083. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the Treaty of Queretaro, and every naturalized citizen thereof who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides. [Amendment approved May 27, 1913.]

91 Cal. 467; 118 Cal. 394; 119 Cal. 617; 127 Cal. 89; 145 Cal. 324, 338, 341, 342.

1083a. Wherever, by the Constitution or laws of this State, any initiative, referendum, recall or nominating petition is required to be signed by qualified electors, only an elector who is a registered qualified elector at the time he signs such petition shall be entitled to sign the same. [New section, approved May 27, 1913.]

Who Are Not Entitled to Vote.

1084. No native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector. [Amendment approved April 16, 1880; in effect immediately.]

91 Cal. 467.

REGISTRATION OF ELECTORS.

Great Register.

1094. There shall be, in each even-numbered year, to continue for two years, except as hereinafter pro-

vided in each county and city and county of the State, a new and complete registration of the voters of such county or city and county, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the thirty days immediately preceding any election, when it shall cease for such election as to electors residing in the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer, provided, that where any general or special municipal election, or any other special election, is held between the first day in January and the first day in April of the year in which such a new registration is had, the original affidavit of registration and indexes used in the last general State election in any county or city and county in this State may be used, together with the original affidavit of registration since the last election, and supplemental indexes, showing all additional registration, changes and corrections made since the registration for the last general election, completed to and including the thirtieth day prior to said general or special municipal election or other special election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to a vote at such election. The board having charge and control of elections in each county or city and county, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters, and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such

time and place, of any voter within the county who is entitled to register therein; provided, however, that in any city and county where the registration at the last preceding presidential election exceeded eighty-five thousand, no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; and provided, further, that in any such city and county such registration without regard to particular precincts outside of the main office of the officer charged with the registration of voters, must be had in at least one place in each assembly district in such city and county for a period of not less than five days, exclusive of Sundays, next immediately preceding the close of registration for the September primary election provided for by state law, and said registration places shall be and remain open at least from ten o'clock a. m. to ten o'clock p. m. of each of said days; provided further, that any registration which may be made at the main office for registration in any such city and county may be made in any of the places provided for registration in the assembly districts therein; and provided, further, that such other places of general registration, in addition to and other than those above specified, shall be provided in any such city and county as may be necessary for the proper and full registration of the voters thereof and such places of registration shall be provided at such times, for such length of time, and in such places as the board having control of registration in any such city and county may provide. Affidavits of registration to be used for the purpose of transferring the registration from one precinct to another in any such city and county, shall have printed upon the margin thereof the following words and matter: "Transfer of registration from last former precinct in this city and county. Such last former registration gave my residence at..... (inserting the place

of residence stated in such last former precinct registration in said city and county), and the person so making an affidavit for the purpose of transferring his precinct registration, shall be required as a part of such affidavit to state the place of residence so given by him in such last former registration in said city and county, and if such last former registration of such person from the residence so specified is not found at the main office of registration, then and in that event, if such last affidavit of registration for the purpose of transfer was not made at such main office, such voter may be cited by the officer or board charged with the registration of voters, by written or printed notice mailed in a sealed envelope, with proper postage thereon, addressed to the last place of residence of such person, as given in said affidavit of registration for the purpose of transfer, citing such person to appear at the main office of registration, not later than ten days from the time of mailing such citation (specifying the last day for such appearance), to correct or correctly state his last former place of residence in said city and county at the date of his last prior registration, and that unless he or she so appear and make such statement in such manner that his or her said last former precinct registration before the making of said affidavit for the purpose of said transfer, may be found that his or her said affidavit and application for such transfer of registration will be canceled. Unless such person shall appear at such main office according to the requirements of such citation and make such statement as will enable his or her said last former place of residence and precinct registration, prior to said affidavit and application for transfer of registration in such city and county, to be found, his or her said last affidavit and application for transfer of registration shall be canceled.

Upon the written request of the officer charged with the registration of voters, which request said officer shall make upon petition from any ten elec-

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tors of the county, such petition to specify the premises from which lists are desired, every landlord or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section or who furnishes a false list of such lodgers, shall be guilty of a misdemeanor. All lists so returned shall be kept on file in the office of the officer receiving same, open to public inspection. It shall be the duty of said officer to compile a list of such persons, if there are any, who are registered as residing in any of these premises and whose names are not returned in the lists furnished by the landlord or keeper thereof. At least three days before the date of the next succeeding election, in any precinct where such premises are located, said officer shall send by registered mail to the inspector of election in said precinct a certified copy of the list he has thus prepared, with instructions to challenge the vote of each and all such persons if offered at the election, under subdivision 5 of section 1230 of the political code. [Amendment approved June 16, 1913.]

Names of Electors Must Be Entered.

1095. In the affidavits of registration the Clerk must, as hereinafter provided, enter in duplicate the names of the qualified electors of the county, and the provisions of section one thousand and ninety-six of this Code are hereby declared to be mandatory. Any officer charged with the registration of voters who neglects or refuses to make all the entries provided for in section one thousand and ninety-six of the Political Code, or neglects or refuses to take the oath of the voter applying to him for registration in respect to the same, shall, upon conviction, be deemed

guilty of a misdemeanor for each and every such omission. [Amendment approved April 12, 1911.]
145 Cal. 324, 342.

Form of Affidavits of Registration and Manner of Executing and Returning Same.

1095a. The clerk, or other person charged with the registration of voters, must provide blank forms for the affidavits of registration, which forms shall be bound together in books or pads of one hundred sheets each, and consist of originals and duplicates. Each original shall be attached to a stub by a perforated line, and each original and duplicate shall bear a distinctive number, which shall be in addition to the registration number of the voter. Said number shall appear on the original and duplicate sheet, and also on the stub to which they are attached, and the numbering shall begin with 1 and continue in a sequence until all of the blanks provided shall be numbered. The numbering shall begin anew with new registration. The stubs shall contain a line for the name and spaces for the address and precinct of the person registered. Each deputy clerk, deputy registrar, or registration clerk shall receipt to the clerk or registrar for all books or pads issued to him, specifying the numbers of the affidavits received by him, and he shall be charged with the same until he returns and files the same. When an elector is registered, his name, address, and precinct shall be noted on the stub attached to the original, and if for any cause the affidavit is spoiled in the course of making it out, or a mistake therein is made, the same must not be removed from the pad, or book, but the name of the elector for whom it was intended, with his address and precinct must be entered on the stub, as in other cases, and the stubs and affidavits each marked with the word "Spoiled" in red ink. When the registration for any election is closed, all deputies or registration clerks must, immediately thereafter, return all affidavits of registration, and all books or pads in their possession containing stubs, spoiled, or unused

affidavit blanks; and within ten days after the close of such registration the clerk, or registrar of voters must report to the district attorney of the county, or city and county, under oath, the names of his deputies, if any, who have not complied with the provisions of this section; and it shall be the duty of the district attorney to forthwith begin a criminal prosecution against such deputies or registration clerks as shall not have complied with the provisions of this section. Any deputy, or person having charge of affidavits of registration, who shall wilfully, or by gross carelessness, neglect, fail, or refuse to comply with the provisions of this section shall be guilty of a misdemeanor. [New section approved January 22, 1912; in effect March 24, 1912.]

Affidavit of Registration.

1096. The affiant making the affidavit of registration must be a citizen of the United States at least ninety days prior to the next succeeding election, and be at least twenty-one years of age at the time of such election, and may state in such affidavit the name of any political party or organization with which he intends to affiliate at the ensuing primary election, whether or not such party or organization is a party or organization qualified, at the time of such registration, to participate in such primary election according to the provisions of the direct primary law.

Such affidavit must also show:

1. The name at length, including Christian or given name, and middle name, or initial, if any, said Christian or given name, if the name of a woman, to be preceded by the designation of Miss or Mrs., as the case may be.

2. The sex.

3. The occupation.

4. The height.

5. The country or state of nativity.

6. The place of residence of the elector (giving ward and precinct); and in municipal corporations, by specifying the name of the street, avenue, or other location of the dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house.

7. If naturalized, the place of naturalization.

8. If the elector has acquired citizenship by marriage, the date or year and place of such marriage, and the name of the person to whom married.

9. The date of entry of each person.

10. The Post Office address.

11. The fact whether or not the elector desiring to be registered is able to read the Constitution in the English language and to write his name, and whether or not the elector has any physical disability, by reason of which he cannot mark his ballot; and if he cannot mark his ballot by reason of physical disability, then the nature of such disability must be entered. [Amendment approved June 14, 1913.]

Rules As to Entries.

1097. No person's name must be entered by the officer charged with the registration of voters unless:

1. Upon the production and filing of a certified copy of the judgment of the Superior Court directing such entry to be made.

2. If a naturalized citizen, upon the production of his certificate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity, and date or year and place of

his naturalization, together with his affidavit that he has resided in the United States for five years next preceding the time of application, and that he will have resided in the state one year, and in the county or city and county ninety days, and in the precinct thirty days next preceding the next ensuing election, and that he is or will be an elector of the county or city and county at the next succeeding election; provided, however, if such naturalized citizen shall have been previously registered as a qualified elector of any of the counties or cities and counties of this State, and shall produce a certificate of such registration, issued by the party authorized by law to issue such certificate, which shall recite the date or year and place of naturalization of such elector, such certificate shall be prima facie evidence of his naturalization. In the event that such naturalized citizen shall state in his affidavit that he was naturalized in the county or city and county in which he seeks to register, or in the event that he was previously registered within the preceding eight years within the county or city and county in which he seeks to register, and his certificate of naturalization has not been revoked, or that she has not since gaining citizenship lost her citizenship, such citizen shall not be required to produce his or her certificate of naturalization, or of marriage, nor to make such affidavit of lost certificate in lieu thereof; provided, however, that in any county or city and county where the affidavits of registration have been destroyed by fire or conflagration, or other public calamity, the above stated provisions as to previous registration within the preceding eight years shall in such county or city and county, apply only for such number of years past as there shall exist a record of previous registration, and not to exceed in any event said eight years.

3. If a citizen, by virtue of the naturalization of his father, upon his affidavit that he became a citizen of the United States by virtue of such naturalization of his father, which naturalization took place

during his minority and that he began to reside permanently in the United States while such minor child, and that he is or would be an elector of the county or city and county at the next ensuing election.

4. If a citizen by virtue of marriage, her name shall be entered when it also appears from such affidavit that the affiant on a date or year and at a place therein mentioned, married a citizen of the United States, naming him, or a person, naming him, who became a citizen of the United States by naturalization.

5. In all other cases, upon the affidavit of the party that he is or will be an elector of the county at the next succeeding election. Such affidavit must be made before the county clerk or officer charged with the registration of voters, or their deputy or registration clerk. If an elector is absent from the county in which he claims residence, he may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice consul of the United States, and may make and subscribe an affidavit as to his residence, specifying in what ward or precinct he claims residence; that he will be necessarily and unavoidably absent from said county or city and county, on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code of the State of California, and forward such affidavit, duly authenticated as above, by mail, enclosed in an envelope, addressed to the county clerk of any county, or the registrar of voters in any county or city and county in which he claims to be an elector. Upon receipt of such affidavit by such clerk or registrar of voters within the time allowed by law for registration, the said affidavit shall be entered and bound by the clerk in the proper register in such precinct.

6. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relations, she shall be entitled to reregister under her new or changed name, upon an additional statement made at the time of such reregistration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of re-registration before the said affidavit is signed, and shall be deemed a part thereof. Upon such re-registration the last previous registration of such elector shall be canceled.

7. In every case the affidavit of the party must show all the facts required to be stated. The clerk or registrar of voters may cause to be written or printed upon the margin of the affidavit, in addition to any matter hereinafter provided for, all such words as are deemed necessary or convenient for the purpose of designating the precinct, district or political subdivision for which such affidavit is taken, or deemed necessary or convenient to indicate any removal or transfer of registration, and also any data or memorandum deemed necessary or convenient to indicate the number of the ballot voted by an elector as provided by section 1204 of the Political Code, or any other reasonable memoranda deemed necessary or convenient for the purpose of enabling such clerk or registrar of voters to perform his duties in the assorting or classification or handling of such affidavits with correctness and despatch. Wherever in the following form of affidavit the word "county" is inserted, if the affidavit is for use in a city and county, such last mentioned words may be printed or written in lieu of said word "county." In connection with the place of residence the affidavit may have printed either the word "precinct," or the word "street,"

or the word "avenue," or any or all of such words as the clerk or registrar of voters shall deem will be most convenient in practical use for the territory in which such affidavits are to be used.

In designating the residence of the voter or the post office address it shall not be necessary in either case to repeat the county or city and county or state where the name of said county or city and county or state previously appear. The words printed in the body of the affidavit, which by reason of statements of the voter are not applicable to such registration, shall not be deemed a portion of such affidavit of registration. The lines to indicate the separation between the margin of the affidavit of registration and the said margin shall be at the top and on the right side of such affidavit, and may be double or single lines in the discretion of the clerk or registrar of voters of the county or city and county or territory for which the affidavit is to be used. The affidavit shall be printed in horizontal lines. Wherever any blank space is left in any line for the entry of any matter the lines shall not be less than one-third of an inch apart vertically. Commencing with the first statement of the affidavit proper each statement shall be numbered immediately at the left of such statement in a numerical sequence, the first statement commencing with No. 1, and so on to the end, but the jurat and space for the signature of the voter need not be numbered. The horizontal width of the affidavit, separate from any and all margin, shall not be less than seven and one-half (7½) inches, and the margin upon all sides and at top and bottom shall be of such width as may be determined by the clerk or registrar of voters. The words "Affidavit of Registration" shall be not less than 24-point black-face type. Pen and ink or indelible pencil must be used in making the portions of the affidavit which are not printed. The matter in the body of the affidavit, where the size of type is not otherwise specified, shall be not less than ten-point plain faced type, save that words inserted in paren-

theses, which are for the information or instructio of the deputies or registration clerks, may be i smaller type, at the discretion of the county cle or registrar of voters. Subject to the foregoin provisions the body of said affidavit shall be sub stantially in the following form:
[Amendment approved June 14, 1913.]
56 Cal. 71, 72, 73; 145 Cal. 324, 325, 327, 342

1097a. The affidavit of registration of any per son who is a citizen of the United States by virtue of his father being a citizen thereof at the time of his birth, shall in lieu of the statements regarding naturalization required by the provisions of sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code, contain the following statement, to-wit: I am a citizen of the United States by virtue of my father being a citizen thereof at the time of my birth, and my father has resided in the United States. Said affidavit of registration shall also contain the statement that said person is or would be an elector of the county, or city and county, at the next ensuing election and shall also contain all the other statements required by said sections one thousand ninety-six and one thousand and ninety-seven of the Political Code, excepting those regarding naturalization. The name of such persons must thereupon be entered by the officer charged with the registration of voters. [New section approved May 27, 1913.]

Duty of Clerk on Receipt of Return.

1102. Upon the receipt of such return, the Clerk must at once enter upon the Great Register the names contained and the statements made in such return.

Affidavits to Be Preserved by Clerk.

1103. The person charged with the registration of voters in each county or city and county must preserve all affidavits made before himself or his deputies for the purpose of procuring registration for at least five years, and until the board of super-

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visors shall order them to be destroyed. The affidavits shall constitute the register required to be kept by the provisions of this chapter and the person charged with the registration of voters shall not copy the facts shown by the affidavits as part of his official duties. All provisions of law in conflict herewith are hereby repealed. [Amendment approved April 19, 1909; in effect in sixty days.]

145 Cal. 324, 325, 342.

Person Must Not Be Registered in Two Counties.

1104. No person must cause himself to be registered or enrolled in one county when his registration in another remains uncancelled.

Cancellation of Entry.

1105. Cancellation is made by writing on the affidavit of registration, the word "Cancelled" and the reason therefor. [Amendment approved April 12, 1911.]

145 Cal. 324, 325.

When Cancellation Must be Made.

1106. The Clerk must cancel the entry in the following cases:

1. At the request of the party registered.
2. When he knows of the death or removal of the person registered.
3. When the insanity of the person registered is legally established.
4. Upon the production of a certified copy of a judgment of the conviction of any elector of any infamous crime, or of the embezzlement or misappropriation of any public money, in full force against the person registered, upon information of such conviction obtained as hereinafter provided.
5. Upon the production of a certified copy of a judgment directing the cancellation to be made.
6. Upon a certificate of the Board of Election of any precinct, sent up with the election returns, stating the death or removal, within their own knowledge, of the person registered.

7. When it appears by the returns made by the Board and Clerks of Election that the respective party did not vote during the next preceding two years at any general or special election.

8. The Clerk shall cancel upon the Great Register every name found thereon which is found upon the register of deaths, provided for by law.

9. Every Judge before whom proceedings were had which result in any person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is accordingly appointed, or which result in such person being committed to a State Insane Asylum as an insane person, shall file with the County Clerk a certificate of that fact, and thereupon the Clerk shall cancel the name of such person upon the Great Register, if found thereon.

10. The County Clerk shall also, in the first week of September, in each year, examine the records of the Courts having jurisdiction in case of infamous crimes and the embezzlement or misappropriation of public money within his county, and cancel upon the Great Register the names of all persons appearing thereon who shall have been convicted of an infamous crime or of the embezzlement or misappropriation of public money in such Court, and which conviction shall have been carried into effect. [Amendment approved January 22, 1912; in effect March 24, 1912.]

County Clerk Shall Furnish Registrar of Voters List of Criminals.

1106a. In any county or city and county where there shall be a registrar of voters, the county clerk of such county or city and county shall furnish to such registrar of voters before the first day of September of each year, a statement taken from the records of the courts having jurisdiction in cases of infamous crimes and the embezzlement or misappropriation of public moneys within his county, showing the names of all persons appearing from such records to have been convicted of an infamous crime, or of

the embezzlement or misappropriation of public money, in such court during the year prior to such first day of September, and which conviction shall have been carried into effect, and such registrar of voters shall thereupon during the first week of September in each year, cancel the affidavits of registration of such persons. The county clerk shall certify the said statement under the seal of his office. [New section approved May 1, 1911.]

Certified Copy of Entries Must Be Given on Application.

1107. Upon the application of the party, in person or in writing, the Clerk must give him or his agent a certified copy of the entries upon the Great Register relating to such party.

119 Cal. 619.

Clerk May Be Compelled to Make Entry.

1108. If the clerk refuses to register any qualified elector in the county, such elector may proceed by action in the superior court to compel such registration. [Amendment approved April 12, 1911.]

Action May Be Brought to Cancel Entry.

1109. Any person may proceed by action in the superior court to compel the clerk to cancel any registration made illegally, or that ought to be cancelled by reason of facts that have occurred subsequent to the time of such registration; but if the person whose name is sought to be cancelled be not a party to the action, the court may order him to be made a party defendant. [Amendment approved April 12, 1911.]

111 Cal. 7; 145 Cal. 342.

Parties to Action to Compel Registration.

1110. In an action under the authority of section eleven hundred and eight, as many persons may join as plaintiffs as have causes of action.

Parties to Action to Compel Cancellation.

1111. In an action under the authority of section eleven hundred and nine, the Clerk and as many persons as there are causes of action against may be joined as defendants.

Costs in Such Actions.

1112. Costs cannot be recovered against the Clerk in any action under the authority of this chapter, unless it is alleged in the complaint, and established on the trial, that the Clerk knowingly and willfully violated a plain duty.

Arrangement of Affidavits of Registration.

1113. Within five days after the last day of registration, the Clerk shall arrange the affidavits of registration for each precinct alphabetically by surnames, and number the same, beginning with one in each case, and bind the same, or cause them to be bound, into a book by fastening the left-hand edges together with a staple, wire, thread or other suitable material; he shall at the same time treat the duplicate affidavits of registration in the same manner. [Amendment approved April 12, 1911.]

94 Cal. 622; 136 Cal. 276; 145 Cal. 325.

Index to Affidavits of Registration.

1115. Within five days after the binding of said books the Clerk shall prepare an index of each book, said index to contain the numbers, names, occupations, addresses, and political affiliations as they appear in said books. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, such name shall be preceded by the designation of "Miss" or "Mrs.", as the case may be. The clerk shall have at least one hundred copies of said index printed for the use of said county, and he shall have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding fifty, as the governing body of such municipalities shall by resolution require.

The county clerk shall furnish upon written or oral demand to every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county, an index of the registration, for such primary and general elections in which said candidate will participate, at a cost of ten cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The clerk shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precinct, and shall keep at least one copy of said general index in his office for public reference. [Amendment approved June 14, 1913.]

101 Cal. 318; 145 Cal. 325.

Distribution of Copies to Precincts.

1116. The Clerk must before the day of election, transmit and cause to be delivered to the Board of Election in each precinct, one of such books of affidavits of registration for their respective precinct, which shall constitute the register to be used at such election; he shall also cause to be delivered at the same time five copies of the index to said book. [Amendment approved March 4, 1899; in effect January 1, 1900.]

101 Cal. 319; 145 Cal. 325, 342.

Certified Copy of Entry Prima Facie Evidence.

1117. A certified copy of an uncancelled affidavit of registration is prima facie evidence that the person named in the entry is an elector of the county. [Amendment approved April 12, 1911.]

Qualification of Voters.

1120. All persons shall be entitled to vote at the elections mentioned in section 1044 of this Code,

who come within the terms or comply with the requirements of this section.

1. Every person who was a qualified elector at the general state election immediately preceding the holding of any of the elections mentioned in section 1044 of this Code, and who was registered as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of the holding of the election provided for and held under said section 1044, shall be entitled to vote at said election, without other or additional registration, except as provided in the second paragraph of this section. All other persons, in order to be entitled to vote at any of the elections provided for in said section 1044, must be registered in the manner required by sections 1094, 1096 and 1097 of this code, as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of sections 1094, 1096 and 1097 of the Political Code; provided that such registration shall be in progress at all times except during the thirty days immediately preceding any such municipal or special election held under said Section 1044 of this code.

2. Where any of the elections mentioned in section 1044 of this Code, is held in an even-numbered year and between the first day in April and the date of the general state election held that year, any person to be entitled to vote at such election mentioned in section 1044 of this code must have been registered during said even-numbered year in the manner required by sections 1094, 1096 and 1097 of this code as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. [Amendment approved June 13, 1913.]

What Register Used.

1121. The register used at each special election or consolidated election precinct, at the elections provided for in Section 1044 of this Code; provided, such elections are not held between the first day in April and the date of the general state election in any even-numbered year, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election precinct, at the last general State election immediately preceding the holding of the election provided for in said Section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general State election become entitled to vote at any of the elections to be held in such precinct, under said Section 1044 of this Code. In the event that precinct registers were used at the last preceding general State election, then it shall be the duty of the County Clerk or person clothed with the authority for the registration of voters, to furnish such original affidavits of registration with the supplements aforesaid, for each of the special election or consolidated precincts, to the boards of election, respectively, in and for each such election precinct. No person shall be entitled to vote at any such election provided for in said Section 1044 of this Code, unless his name is registered by such original affidavit of registration, in the precinct within the exterior boundaries of the election precinct, or unless, according to the Constitution and laws of this State, he is entitled to vote thereat. If any election provided for in section 1044 of this code is held between the first day in April and the date of the general state election in any even-numbered year, the register used at such special or consolidated election precinct at such election shall consist of the original affidavits of registration of those who had registered from the territory constituting such special or consolidated election precinct in said even-numbered

year and at least thirty days prior to such election. [Amendment approved June 13, 1913.]

ELECTION PRECINCTS.

Election Precincts to Be Established by Supervisors.

1127. The Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, shall, as soon before a general election as is convenient, proceed to divide such county, or city and county, into election precincts, of which there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct to be not more than two hundred, as nearly as can be ascertained. [Amendment approved March 20, 1889.]

126 Cal. 394.

Boundaries Of.

1128. In the order establishing precincts, the boundaries thereof must be defined.

May Be Altered, Etc.

1129. The Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, may from time to time change the boundaries of, create new, or consolidate established precincts; provided, that there shall always be as many precincts as shall be sufficient to make the number of votes polled at any one precinct to be not more than two hundred, as nearly as can be ascertained. [Amendment approved March 20, 1889.]

126 Cal. 394; 133 Cal. 345.

Limitations on Powers.

1130. The following limitations are imposed upon the powers given the Supervisors in this chapter:

1. No precinct must be established so as to embrace more than one township, nor in such manner that its exterior limits cross the exterior boundaries

of any township, incorporated town or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district. [Amendment approved March 4, 1899; in effect January 1, 1900.]

103 Cal. 502.

Supervisors Must Issue Order Designating Board, Etc.

1131. The Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, must, at least twenty-five days prior to an election, issue its order appointing Boards of Election, designating the house or place within the precinct where the election must be held, and the offices to be filled, naming and numbering in numerical order, commencing with number one, the offices to be filled, unexpired terms being designated next after the full term; but in no event shall any place be selected for holding an election that is in a saloon, or other room or place where vinous, spirituous, or malt liquors are sold or dispensed, nor shall any place be selected for such purpose that is connected with a saloon or other room or place where vinous, spirituous, or malt liquors are sold or dispensed, by any door, window, or other opening. [Amendment approved March 20, 1899; in effect in sixty days.]

86 Cal. 67.

Proceedings in Case Place Is Not Designated.

1132. If the Board fail to designate the house or place for holding the election in any precinct, or, if for any reason, it can not be held at the house or place designated by the Board, the Justice of the Peace residing in the township in which such precinct is situated must, by an order under his hand (copies of which he must at once post in three public places in the precinct), designate the house or place, within the precinct. In case of the absence of the Justice of the Peace, or of his disability or refusal to perform the duties herein im-

posed, then a majority of the Judges and Inspectors of Election for said precinct shall designate the place, within the precinct, for holding the election, and post the notices required by this section; provided, that in cities or cities and counties which are not divided into townships for judicial purposes, a majority of the Justices of the Peace residing in such city or city and county, shall discharge the duties imposed by this section. [Amendment approved February 13, 1903; in effect immediately.]

Special Election Precincts—Establishment of.

1133. The board or governing body charged with the conduct of carrying on any of the elections mentioned in section 1044 of this Code may precinct, or subdivide, the municipality or territory within which such election is to be held, into special election or consolidated election precincts, for the holding of such elections, and change and alter such precincts for such elections, as often as occasion may require. In establishing such election precincts referred to in this section, such board or governing body having control of such elections, may consolidate the precincts which existed for the holding of the last preceding general state election, to a number not exceeding three for each special election or consolidated election precinct, and shall number such precincts so established, consecutively, and each precinct so established shall for the purpose of such election be known by the number so designated. [New section approved March 19, 1907; in effect immediately.]

BOARDS OF ELECTION.

Election Board—Appointment of, Duties, Etc.

1142. When an election is ordered, the Board of Supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, of the State must appoint officers of Election Board from the registered electors of each

precinct to serve as election officers only in the election precinct in which they are registered and actually reside to constitute the Election Board for such precinct, which shall consist of two Inspectors, two Judges, and two Clerks; provided, that in any precinct which has a total registration of less than seventy-five voters, the election board may, in the discretion of the board of supervisors or other board having charge and control of elections in such precinct, consist of one Inspector, one Judge, and two Clerks, two Inspectors, Judges and Clerks so appointed shall constitute a Board of Election for such precinct. At all primary and general elections the members of election boards shall be apportioned first to each or any party having 15% or over of the registration designated in its name on the great register of the county, one member of the board for every such 15% of registration; provided, that if it should happen that there is, after giving one member for each 15% and multiple thereof, one or more member to be appointed, such member shall be appointed from the party next highest on the great register not represented on the board. If two remain to be appointed, the second one shall be appointed from the party having the highest fraction of fifteen not already represented on the board. If there should be only two parties represented on the great register and there is another member of the board to be appointed after the 15% and multiples are represented, such member shall be appointed from the party having the highest fraction of 15%. The Inspectors, Judges and Clerks upon each Board of Election shall distribute the extra duties devolving upon such Board of Election in addition to their own duties in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or Clerks of Boards of Election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision.

Not more than two members of any Board of Election shall be absent from the polling place at any one time. And such Board of Supervisors or other board having charge of elections must notify each person appointed as a member of an election board, by written notice mailed to such person at the address shown on the affidavit of registration, at least seven days before the election, and must publish the names of such electors who constitute the Board of Elections for such election precinct, in some newspaper published in the county or city and county where the election is to be held for two successive issues, the last publication to be at least one week before the day such election is to be held. Such Board of Election shall canvass the votes for such precinct and must be present at the closing of the polls. The members of said Board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any capacity by the county, city and county, incorporated city or town in which an election is held, within ninety days preceding such election. No person shall be eligible to act as a member of any Election Board, or as a Clerk upon such Board, who can not read and write the English language. Any person acting as a member of any Election Board, or as a Clerk upon such Board, who can not read and write the English language, and any person who refuses to act upon such Board, or as a Clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the Election Board or to the Board of Supervisors, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the County Jail of such county, or city and county, for the period of one day for each

dollar of said fine. [Amendment approved June 14, 1913.]

86 Cal. 65; 116 Cal. 290; 146 Cal. 327.

Judges Not to Be of Same Political Party.

1143. The Judges appointed must not be of the same political party.

Proceedings on Failure to Appoint, Etc.

1144. If the Board of Supervisors fail to appoin' the Board of Election, or the members appointed do not attend at the opening of the polls on the morning of the election the electors of the precinct present at that hour may appoint the board or supply the place of an absent member thereof.

Powers of Inspector.

1145. The Inspectors may:

1. Administer all oaths required in the progress of an election.

2. Appoint Judges and Clerks, if during the progress of an election any Judge or Clerk ceases to act or becomes incapacitated from acting. [Amendment approved May 1, 1911.]

Who May Administer Oaths.

1146. Any member of the Board, or either Clerk thereof, may administer and certify oaths required to be administered during the progress of an election.

Board and Clerks Must Be Sworn.

1148. Before opening the polls, each member of the Board and each Clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the township may administer and certify such oath.

Copies of Great Register Must Be Posted.

1149. Before opening the polls the board must post, in some separate, convenient places, easy of access, not less than four printed copies of the

precinct registers, as last printed. [Amendment approved March 18, 1905; in effect immediately.]

Posted Copies Must Not Be Torn or Defaced.

1150. The copies so posted must be maintained during the whole time of voting, and must not in any manner be torn or defaced.

Board of Election.

1151. The board or governing body charged with the conduct of elections shall appoint a board of elections for each special election or consolidated election precinct, to consist of two inspectors, two judges, and two clerks, for each municipal election provided for by Section 1044 of this Code, and a board of election for each such precinct to consist of one inspector, one judge, and two clerks for every special election provided for in said Section 1044 of this Code, who shall apportion among themselves the work and labor required to conduct such election within their respective election precincts. But one poll list, one tally list, and one copy of such tally list, as provided for in Section 1261 of the Political Code, need be kept, and but one book of original affidavits of registration. These shall be returned to the proper officers with the official returns, in the same manner provided for the returns at a general election. Said election officers are to be apportioned equally between the two political parties which, respectively, cast the highest and next highest number of votes for Governor at the last preceding general State election. [Amendment approved January 9, 1912; in effect March 24, 1912.]

OPENING AND CLOSING THE POLLS.

Opening and Closing the Polls—Time of.

1160. The polls must be opened at six o'clock a. m. of the day of election, and must be kept open until seven o'clock p. m. of the same day, when the polls shall be closed, except as provided

in Section 1164 of this code. [Amendment approved May 27, 1913.]

52 Cal. 73, 621; 108 Cal. 111; 121 Cal. 480; 135 Cal. 454.

Ballot-Box Must Be Exhibited.

1162. Before receiving any ballots the Board must, in the presence of any persons assembled at the polling place, open and exhibit and close the ballot-box; and thereafter it must not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

108 Cal. 111.

Proclamation That Polls Are Open.

1163. Before the Board receive any ballots, they must cause it to be proclaimed aloud at the place of election that the polls are open.

Proclamation That Polls Are Closed.

1164. When the polls are closed that fact must be proclaimed aloud at the place of election; and after such proclamation, no ballot must be received; provided, however, that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. [Amendment approved May 27, 1913.]

POLL LISTS.

Poll Lists and Tally Lists—Form of.

1174. The following is the form of poll lists and tally lists to be kept by Boards and Clerks of Election:

Poll Lists.

Of the election held in the Precinct of ——, in the County of ——, on the —— day of ——, in the year A. D. one thousand eight hundred and ——. A. B., C. D., and E. F., Judges, and G. H. and J. K., Clerks of said election, were respectively sworn (or affirmed), as the law directs, previous to their entering on the duties of their respective offices.

Number and Name of Electors Voting.

No.	Name	No.	Name
1	A. B.	3	E. F.
2	C. D.	4	G. H.

We hereby certify that the numbers of electors voting at this election amounts to ——.

Attest:

G. H.,
J. K.,
Clerks.

A. B.,
C. D.,
E. F.,
Board of Election.

Tally Lists.

Names of persons voted for, and for what office, containing the number of votes given for each candidate:

Governor.	Representative in Congress.	Members of the Legislature.	
		Senate.	Assembly.

We hereby certify that A. B. had —— votes for Governor, and C. D. had —— votes for Governor; that E. F. had —— votes for Representative in Congress, etc.

G. H.,
J. K.,
Clerks.

A. B.,
C. D.,
E. F.,
Board of Election.

155 Cal. 297.

Not to Be Rejected for Want of Form.

1175. No list, tally, paper, or certificate returned from any election must be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of this title if it can be satisfactorily understood.

77 Cal. 182.

ELECTION TICKETS AND BALLOTS.

Printing to Be at Public Expense.

1185. All ballots cast in elections for public officers within this State shall be printed and distributed at public expense, as hereinafter provided. The printing of general tickets and cards of instruction to electors of each county, and the delivery of the same to the election officers, shall be a county charge, the payment of which shall be provided for

in the same manner as the payment of other county expenses; and the printing and delivering of "municipal tickets," and also in case of separate elections for city, city and county, or town officers, the printing and delivering of cards of instruction, shall be a charge upon the respective city, city and county, or town in which such "municipal tickets" and cards of instruction are to be used, the payment of which shall be provided for in the same manner as the payment of other city, city and county, or town expenses.

122 Cal. 191.

Nominations Other Than at a Primary Election.

1188. A candidate for any public office for which no non-partisan candidate has been nominated at any primary election may be nominated subsequent to said primary election, or in lieu of any primary election, in the manner following: a nomination paper containing the name of the candidate to be nominated, with other information required to be given in the nomination papers provided for in the direct primary law enacted at the fortieth session of the legislature of the State of California, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least one per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made, subject to the restrictions contained in said direct primary law. For the purposes of this section the provisions of said direct primary law, as said sections apply to the nominees for judicial, school, county, and township officers, shall substantially govern as to the manner of the appointment of verification deputies, the form of nominating papers and the securing of signatures thereto, the fastening together of sections of the nomination paper containing such signatures, and the filing thereof with the county clerk, or the certification thereto by

the county clerk and transmission thereof to the secretary of state, as the case may be, the payment of a filing fee, and all other things necessary to get the name of a candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a general or municipal election, and not on the ballot for nomination at a primary election. In addition to the other matter required to be set forth on the candidate's nomination paper, it must also be set forth that each signer thereof has not voted at any primary election at which a candidate was nominated for the public office mentioned in the said certificate.

Upon the filing of a sufficient nomination paper by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the ensuing general or municipal election according to the provisions of subdivision 2 of section 1197 of this code for the placing upon the ballot of names of candidates nominated "by petition." [Amendment approved June 14, 1913.]

129 Cal. 328; 131 Cal. 267; 148 Cal. 168, 170; 152 Cal. 435; 155 Cal. 783, 784, 785, 786, 787.

Certificate of Nomination, How Long Preserved.

1191. The Secretary of State shall preserve in his office for a period of two years all certificates of nomination filed therein under the provisions of this Code; and each County Clerk shall preserve in his office for a like period all certificates of nomination filed therein under the provisions of this Code; and each Clerk or Secretary of the legislative body of any incorporated city or town shall for a like period preserve in his office all certificates of nomination filed therein under the provisions of this Code.

46 Cal. 404; 67 Cal. 498; 92 Cal. 136.

Certificates of Nomination—Time of Filing, Vacancies, Etc.

1192. Certificates of nomination required to be filed with the Secretary of State or with the County Clerk shall be filed not more than sixty days and not less than thirty-five days before the day of election, when the nomination is made by electors, as provided in Section 1188 of this Code.

Certificates of nomination required to be filed with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty days nor less than twenty days before the day of election, when the nomination is made by electors as provided in section 1188 of this code. [Amendment approved June 14, 1913.]

114 Cal. 483; 137 Cal. 480; 151 Cal. 409.

Proposed Constitutional Amendments to Be Printed and Mailed to Voters.

1195. Whenever the Legislature shall propose any amendment to the Constitution of this State, which amendment shall have been passed in the manner required by section one of article eighteen of the Constitution, the author of such amendment and one member of the same house who voted with the majority on the submission of such amendment and one member of the same house as the author who voted with the minority against the submission of such amendment, both of whom shall be selected by the presiding officer of such house, before the adjournment of the legislature and they shall within one year after the adjournment of the legislature prepare a brief statement showing the purpose of said amendment, and a comparative statement of the operation of the present section or article of the constitution, and the reasons advanced by the majority for its adoption, and the reasons advanced by the minority against its adoption, and any other reason why such amendment should be adopted, or be not adopted, and forward such article to the Secretary of State, and the Secretary of State shall

cause to be printed at the State printing office, in convenient form, one and one-half times as many copies of such statement as there are registered voters in this State, and in case the Legislature shall submit any proposition to a vote by the qualified electors of the State, the Secretary of State shall duly, and not less than twenty-five days before the election next ensuing, certify such amendment and proposition to the County Clerk of each county of the State and shall cause to be printed at the State printing office one and one-half times as many copies of said amendment and proposition as there are registered voters in the State, and at least thirty days before any election at which said proposition and amendment is to be voted on the Secretary of State shall furnish each County Clerk in the State with one and one-half times as many copies of said amendment, proposition and statement as there are registered voters in his county. The clerk of each county shall thereafter cause to be mailed to each voter a copy of such amendment or proposition and of said statement, at the same time, in the same manner and in the same envelope provided for in section one thousand two hundred and ten of this code, and no other publication of said amendment or proposition shall be necessary or authorized. [Amendment approved June 14, 1913.]

130 Cal. 92, 93.

Manner of Printing Proposed Constitutional Amendments.

1195a. The sheet or pamphlet containing the proposed constitutional amendments, provided for in Section 1195 of this Code, as well as any question, proposition or amendment to the constitution to be submitted to the people by either initiative or referendum petition, shall also contain the corresponding constitutional provisions as then in force, if any, and the parts of the proposed amendment different from the existing provisions shall therein be distinguished in print, so as to facilitate

comparison. Three copies of the Constitution, in the form of pamphlets to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the electors. All questions, propositions and constitutional amendments which are to be submitted to a vote of the electors shall be printed on said sheets or pamphlets, so far as possible, in the same manner and form in which the same shall be designated upon the ballot and shall be designated thereon by the ballot title or designation which may be provided therefor. Said ballot title shall be printed on the sheets and pamphlets herein referred to immediately prior to the particular question, proposition or constitutional amendment therein referred to. There shall also be printed on said sheets and pamphlets the copy of said ballot title or designation as the same will appear on the ballots when voted on in the order and with the proper number which ballot title or designation shall be the method by which said questions, propositions and constitutional amendments shall be designated on the ballots. [Amendment approved June 14, 1913.]

County Clerk to Provide Ballots—Ballot Paper.

1196. Except as in this Code otherwise provided, it shall be the duty of the County Clerk of each county to provide ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the County Clerk, in the manner provided for by law, together with the names certified by the secretary of state to have received in the respective parties, the highest number of votes for United States Senator. Ballots other than those printed by the respective County Clerks, or the Clerk or Secretary of the legislative body of any incorporated city or town, according to the provisions of this Code, shall

not be cast nor counted at any election. It shall be the duty of the County Clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city and county participate, and to cause to be printed on such separate ballots the name of every candidate for a city and county office whose name has been filed with the proper officer in the manner provided by law. It shall be the duty of the Clerk or Secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town participate, and to cause to be printed in such separate ballots the name of every candidate whose name has been filed with such Clerk or Secretary in the manner provided for by law. All ballots shall be not to exceed twenty-four inches in length, and shall be of sufficient width to contain in parallel columns four inches in width the names of all candidates nominated, and below the printed list of candidates for each office, the necessary blank space or spaces to permit an elector to write in the names of persons whose names are not printed on the ballot, and to contain in a separate column or columns of sufficient width statements of all questions, propositions or constitutional amendments to be submitted to vote of the electors, and shall be printed on tinted paper furnished by the Secretary of State. It shall be the duty of the Secretary of State to obtain, and keep on hand, a sufficient supply of paper for ballots, and to furnish the same, in quantities ordered, to any County Clerk, or Clerk, or Secretary of the legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be watermarked with a design to be furnished by the Secretary of State, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from

all persons not engaged in the preparation, printing, or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years; but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this Code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot, and marked as voted for. [Amendment approved March 20, 1911.]

Form of Ballot.

1197. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office, arranged to conform as nearly as practicable to the plan hereinafter set forth.

2. The order in which the list of offices shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the Secretary of State, and shall as nearly as may be practicable be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appear-

ing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; provided, however, that the names of candidates for the office of electors for president and vice-president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination, and shall remain the same for all assembly districts.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice-president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state,

except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

In certifying to each county clerk or registrar of voters the list of names as required in section 23 of the primary election law the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; provided there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such

county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "Independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; provided, however, that in the case of judicial officers and school officers the word "Independent" shall be omitted.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the Secretary of State. The Attorney General shall provide and return to the Secretary of State a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; provided, however, any person who is interested in the question, proposition, proposed law or constitutional amendment the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section one of article IV of the constitution, to a vote of the electors, or any

proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the Secretary of State, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The Secretary of State shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the Attorney General. Within ten days after the same is filed with him, said Attorney General shall provide and return to the Secretary of State a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the Attorney General shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the Attorney General, the Secretary of State shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the Attorney General has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the Attorney General. Any person who is dissatisfied with the ballot title prepared by the Attorney General for any such question, proposition, proposed law or constitutional amendment may, after the same has been returned to the Secretary of State as hereinbefore provided, and within ten days after said notice shall have been mailed by the Sec-

retary of State, as above provided, file in writing with the Secretary of State his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the Attorney General and the said objections thereto, with the board of title commissioners, which board shall consist of the three justices of the district court of appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said board of title commissioners shall proceed to consider the said title prepared by the Attorney General and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the Secretary of State within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the Secretary of State by the said Attorney General, or in case a different title has been prepared, certified and filed by the said board of title commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width, and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for

except the number of the ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub, and immediately at the left of the center of the ballot, in eighteen point gothic capitals, the words "General Ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body or any incorporated city or town, shall have printed in the same manner, on the back, the words, "Municipal Ticket."

All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

8. If two or more officers are to be elected for the same office for different terms, the term for

which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column, of sufficient width, with voting squares, in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as hereinbefore provided for, and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot the following directions shall be printed:

Instructions to Voters:

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote not to exceed, however, the number of candidates who are to be elected. If the ballot does not con-

tain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

In elections when electors of president and vice-president of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all or a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person not on the ballot."

11. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

(Face of ballot on insert.)

(Indorsement on back of ballot)

General Ticket.

Seventh Congressional District.

Thirty-eighth Senatorial District.

Seventy-second Assembly District.

[Amendment approved June 14, 1913.]

58 Cal. 526; 96 Cal. 372; 108 Cal. 109; 114 Cal. 309; 130 Cal. 92; 136 Cal. 267; 137 Cal. 480; 153 Cal. 545; 6 Cal. App. 126, 127; 8 Cal. App. 678.

THIRTY-EIGHTH CONGRESSIONAL DISTRICT

SEVENTY-SECOND ASSEMBLY DISTRICT

(Endorsement on back)

GENERAL TICKET

SEVENTH CONGRESSIONAL DISTRICT

Ballots to Be Bound and Recorded.

1198. All ballots, when printed, shall be bound in stub books, each book to consist of ten, or some multiple of ten, ballots, and so issued. A record of the number of ballots printed by them shall be kept by the respective County Clerks, and by the Clerk or Secretary of the legislative body of each incorporated city or town. [Amendment approved April 23, 1913.]

Number to Be Provided—Unused Ballots.

1199. The County Clerk or Registrar of Voters of each county shall provide for each election precinct in the county ten general tickets for every eight or fraction of eight electors registered in the election precinct for such election; and an additional ten ballots for each election precinct that has less than thirty registered electors; provided that no ballot pad used or provided for any election shall contain less than ten general tickets for such election; and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected; and the Clerk or Secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected. And upon the day of an election, immediately upon the arrival of the hour when the polls are required by law to be closed, the County Clerk in each county shall openly, in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which shall have remained in his possession, custody, or control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed. [Amendment approved April 23, 1913.]

Errors in Ballots to Be Corrected, How.

1200. Whenever it shall appear by affidavit that an error or omission has occurred in the publication

of the name or description of the candidates nominated for office, or in the printing of the ballots, the Superior Court of the county, or the Judge thereof, shall, upon application by any elector, by order, require the County Clerk to correct such error, or to show cause why such error should not be corrected.

Delivery of Ballots—Procedure When Ballots Are Lost.

1201. Before the opening of the polls at any election within any county, the County Clerk of the county shall cause to be delivered to the Boards of Election of each election precinct which is within the county, and in which the election is to be held, at the polling place of the election precinct, the proper number of general tickets of the kind to be used in the election precinct, in sealed packages, with marks on the outside clearly designating the precinct or polling place, for which they are intended, and the number of ballots inclosed, and in case of a consolidated city and county, also a like number of municipal tickets; and the Clerk or Secretary of any incorporated city or town shall in like manner cause to be delivered the proper number of municipal tickets. The County Clerk, Clerk, or Secretary shall prepare a receipt for each polling place, enumerating the packages and stating the time and day and date when the same were delivered by him to the Inspectors of Election. The Inspectors of Election shall sign said receipt upon receipt of the packages, which shall forthwith be returned and filed. The County Clerk, Clerk, and Secretary, respectively, shall have authority to employ such messengers as may be necessary to insure the safe and expeditious delivery of the ballots to the Inspectors or Judges of Election, as provided in this Code, and the Board of Supervisors, or other Board or body having the control of elections, shall allow such messengers a reasonable compensation for their

services, to be paid as other election expenses are paid. In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the Inspector, or other election officer for that precinct, shall make an affidavit setting forth the fact, swear to the same before an officer authorized to administer oaths, and transmit it to the Governor of this State. Upon receipt of such affidavit, the Governor may order a new election in such precinct, and upon the application of any candidate for any office to be voted for by the electors of such precinct, the Governor shall order a new election in such precinct.

Booths, Ballot-Boxes and Supplies.

1203. All officers upon whom is imposed by the law of the State the duty of designating polling places, shall cause such polling places to be suitably provided with a ballot-box, to be marked on the outside "General Tickets," and when any city, city and county, or town officers are to be elected, a second ballot-box, to be marked on the outside "Municipal Tickets"; and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments. The arrangements shall be such that neither the ballot-boxes nor the box booths or compartments shall be hidden from the view of those just outside the said guard rail. The number of such voting booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the Board

of Election, and then only for the purpose of keeping order and enforcing the law. Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots.

And the election officers shall especially see that the stamp and inkpads required are at all times in such booths and in condition for proper use; and all officers upon whom is imposed by the law the duty of designating polling places, shall supply each polling place with several stamps and several inkpads for each booth, and such stamps shall be so made that a cross (X) may be made with either end of such stamp, and the same must be so constructed that the portion with which such cross (X) is to be made shall not be fastened on by any glue or like substance which may loosen when wet, but the said stamp shall be one solid piece. [Amendment approved March 28, 1895; in effect immediately.]

136 Cal. 399.

Manner of Voting.

1204. Any person desiring to vote shall write his or her name and address (or if he or she be unable to write, shall have the same written for him or her) on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the register, he shall in a like manner repeat the name and address, whereupon a challenge may be interposed as provided in section 1230 of this Code. In case the surname of any female person offering to vote has been changed by reason of marriage or divorce since registration such person shall sign her name as it was before such marriage or divorce and also her name as it is at the time she votes, indicating on the roster by brackets or other means, that the two names are the name of one person. In all cases except in those where the name and address of the voter is written on the roster of

voters for him, as above provided, it shall be the duty of the election officer, in the presence and view of the bystanders to compare the signature of the voter on the roster of voters with the signature of that person on the register and no ticket shall be given such voter until such comparison of signatures shall have been made and until such a comparison has been made, as aforesaid, the right of a voter to vote may be challenged. If the challenge be overruled, the election officer shall give the voter a ticket and the clerk shall write on the register opposite the name of the voter the number of the general ticket given him and also the number of the municipal ticket given him when any city, city and county or town officer is to be elected and the voter shall be allowed to enter the place enclosed by the guard rail as above provided. The election officer shall give him but one general ticket and where any city, city and county or town officers are to be elected also one municipal ticket and only one ballot of each kind and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of the election officer whenever he shall deliver a ballot to any voter to then orally distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law or it will not be counted. [Amendment approved June 14, 1913.]

83 Cal. 75; 91 Cal. 532; 136 Cal. 400.

Manner of Voting.

1205. On receiving his ballot the elector shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booths or compartments provided, to prepare his ballot. In voting he shall stamp a cross (X) in the voting square after the name of every candidate for whom he intends to vote, and this shall be counted as a vote for each person after whose name the voter has stamped such cross, or he may vote for a candidate or person whose name is not printed on the

ballot by writing a name for such office in the blank space left therefor, in which latter case the vote of such voter for that office shall be counted for the person whose name is so written. Where two or more candidates for the same office are to be elected, and the voter desires to vote for candidates for that office, he must stamp a cross (X) after the names of all the candidates for that office for whom the voter desires to vote, not exceeding, however, the number of candidates who are to be elected.

In case of a question, proposition or constitutional amendment, submitted to the vote of the electors, the voter shall mark his ballot by stamping in the appropriate voting square a cross (X) opposite the answer he desires to give as to such question, proposition or constitutional amendment. All crosses shall be made only with a stamp, which with necessary pads and ink, shall be provided by the officers who by law are required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot and the endorsement on the back shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the Inspector, who shall announce in an audible tone of voice the name of the voter and the number of his ballot. If the Ballot Clerk having in charge the register or affidavits of registration finds such number to correspond with the number marked opposite the voter's name on the register or affidavit of registration, he shall, in like manner, repeat the name and number, and shall write opposite the name the word "voted." The Inspector shall then separate the slip containing the number from the ballot, deposit the ballot in the box and

immediately destroy such numbered slip. [Amendment approved March 20, 1911.]

96 Cal. 372; 108 Cal. 109; 136 Cal. 400; 138 Cal. 22; 145 Cal. 333; 11 Cal. App. 586.

Booths—How Occupied.

1206. Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth longer than necessary to prepare his ballot, and in no event longer than ten minutes.

Spoiled Ballots.

1207. Any voter who shall spoil a ballot shall return such spoiled ballot to the Ballot Clerk and receive another one in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately canceled, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in sections one thousand two hundred and sixty-three and one thousand two hundred and sixty-four of this Code. Every elector who does not vote the ballot delivered to him shall, before leaving the polling place, return such ballot to the Ballot Clerks having charge of the ballots, who shall immediately cancel the same and return them in the same manner as spoiled ballots. The Ballot Clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned ballots to compel such an accounting; and immediately upon the closing of the polls, and before any ballot shall be taken from the ballot boxes, or either thereof, the Ballot Clerks must, in the presence of all persons in the room who may desire to observe the same, proceed to deface every unused or spoiled ballot, by drawing across the face thereof, in writing ink,

with a pen, two lines which shall cross each other, and said Ballot Clerks shall thereupon immediately, and before any ballots be taken from the ballot-box, or either thereof, place all said ballots thus defaced within an envelope and seal said envelope, and thereupon a majority of the election officers shall immediately write their names across the sealed portion of said envelope. [Amendment approved March 28, 1895, in effect immediately.]

46 Cal. 405; 91 Cal. 531; 108 Cal. 110; 138 Cal. 21.

Voters Assisted—How.

1208. When it appears from the register that any elector has declared under oath, when he registered, that he cannot read, or that by reason of physical disability he is unable to mark his ballot, he shall, upon request, receive the assistance of two of the officers of election, of different political parties, in the marking thereof, to be chosen as follows: One by the Inspector then receiving the ballots, and the other by the Judge of the opposite political party which at the last election cast the highest number of votes throughout the State, and in the event there are more Judges than one of said party, then by the one of said Judges who shall be named by said Inspector. Neither of the persons appointed shall be of the same political party with the person appointing, nor shall either of said persons so making said appointments appoint the other for said purposes. Such officers shall thereafter give no information regarding the marking of said ballot. The officers making such appointments shall make the same in writing, and sign the same, and upon the same paper the persons so appointed shall subscribe and take the following oath before assisting such elector:

State of California, county of ————, Assembly district number ———, ——— precinct.—ss.

———— and ————, being duly sworn, each for himself, says that he is one of the officers of

election appointed to assist ——— (here insert name of the elector) in marking his ballot, and that he will not give any information, now or hereafter, regarding the same.

——— ———

——— ———

Subscribed and sworn to before me, this ——— day of ———, A. D. ——.

——— ———

Said affidavits may be sworn to before any officer of election competent to administer an oath, and the same, with the indorsements thereon, shall be returned to the County Clerk, as provided in section one thousand two hundred and sixty-one of this Code.

Lists of the voters who have been assisted in marking their ballots shall be kept by the Clerks keeping the poll lists, and shall be returned and preserved as the poll lists are returned and preserved. As amended March twenty-third, eighteen hundred and ninety-three. [Amendment approved March 28, 1895, in effect immediately.]

46 Cal. 405; 92 Cal. 136; 108 Cal. 113; 121 Cal. 482; 136 Cal. 274; 145 Cal. 327, 335.

Slip Containing Number Must Be Removed.

1209. No member of the Board of Election shall deposit in the ballot-box any ballot from which the slip containing the number of the ballot has not been removed by the Inspector.

Sample Ballots—Instruction Cards.

1210. The County Clerk of each county, or, in case of separate city or town elections, the Clerk or Secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated

"sample ballot" upon the face thereof. Said clerk or secretary shall commence to mail the same, postage prepaid, to registered voters ten days before the day fixed by law for such election, and shall have all of the same mailed at least five whole days before the day of election; provided, that not more than one sample ballot shall be furnished to any one voter; and further provided, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration, and that for any primary election the number of sample ballots printed for any party shall not exceed the total registration of such party by over twenty per cent of such registration. Such clerk or secretary shall also inclose with each of said ballots the voting number of such elector and the location of his precinct polling place. Only official matter shall be sent out in such envelope. Such clerk or secretary shall cause to be printed in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots, and he shall furnish twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections twelve hundred and fourteen and twelve hundred and fifteen of this Code, and section sixty-one of the Penal Code, shall also be printed on each of said cards. [Amendment approved June 14, 1913.]

103 Cal. 540.

Ballots, When Void.

1211. 1. In canvassing the votes any ballot which is not made as provided in this act shall be void; but such ballot must be preserved and returned with the other ballots; provided, however,

that two or more impressions of the voting stamp in one voting square, or a cross (X) made partly within and partly without a voting square or space shall not make such ballot void. Any name written upon a ballot shall be counted for such name for the office under which it is written, provided it is written in the blank space therefor, whether or not a cross (X) is stamped in the voting square after the name so written.

2. If a voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

3. If a voter stamps in the voting square after the name of any candidate and also writes the name of a person for such office in the blank space, such act does invalidate his ballot, but his vote shall not be counted for any person for that office, but as to all other offices the ballot must be counted for the candidates opposite whose names the ballot is stamped in the voting squares.

4. No mark upon a ballot which is unauthorized by this act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot. [Amendment approved March 20, 1911.]

108 Cal. 108; 120 Cal. 653; 127 Cal. 56; 136 Cal. 269, 272, 672; 142 Cal. 372; 143 Cal. 470 (subd. 4) 142 Cal. 600; 11 Cal. App. 586, 587.

Time Allowed for Voting.

1212. Any person entitled to vote at a general election held within this State shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor

shall any deduction be made on account of such absence from his usual salary or wages.

Certificate of Nomination, Fraudulent Making of.

1213. No person shall falsely make or fraudulently deface or destroy any certificate of nomination, or any part thereof, or file any certificate of nomination, knowing the same, or any part thereof, to be falsely made, or suppress any certificate of nomination which has been duly filed or any part thereof, or to make, use, keep or furnish to others, except as in this Code so directed, any paper watermark in imitation of ballot paper, or disclose the same to any person not engaged in making, printing or distributing of ballot paper or ballots.

Destroying or Removing Supplies.

1214. No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments, as provided in this Code, for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down, or deface the cards printed for the instruction of voters.

Secrecy to Be Preserved.

1215. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling place. Unless otherwise provided by law no person shall remove any ballot from any polling place before the closing of the poll. Unless otherwise provided by law no person shall apply for or receive any ballot at any election precinct other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name or names of the candidate or candidates for whom he has marked his ballot; nor shall any person,

except a member of the Board of Election, receive from any voter a ballot prepared by such voter, or examine such ballot, or solicit the voter to show the same. No person shall ask another at a polling place for whom he intends to vote. Unless otherwise provided by law no voter shall receive a ballot from any other person than one of the election officers; nor shall any other person than an election officer, or other officer authorized by law so to do deliver a ballot to such voter. No voter shall deliver to the Board of Election, or to any member thereof, any ballot other than the one he has received from the election officer or other officer duly authorized by law to furnish him with such ballot. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling place. [Amendment approved June 14, 1913.]

108 Cal. 108; 120 Cal. 653; 127 Cal. 56; 134 Cal. 152; 136 Cal. 269, 270, 271, 276; 138 Cal. 20; 141 Cal. 415; 142 Cal. 503.

Registrar of Voters and Board of Election Commissioners.

1216. In all counties, and cities and counties, in this State, having a Registrar of Voters and a Board of Election Commissioners, the powers conferred and the duties imposed by this Code upon the County Clerks and other officers, in relation to matters of election and polling places, shall be exercised and performed by such Registrar of Voters and Board of Election Commissioners, and all certificates of nomination, nomination papers, or election papers, required by this Code, or by law to be filed with or presented to the County Clerk shall be filed with or presented to the Registrar of Voters; and the deputies or clerks in the office of the registrar of voters acting under the orders of the registrar of voters, or the election commission shall have all the powers of the deputies of the county clerk in mat-

ters relating to elections. [Amendment approved May 1, 1911.]
97 Cal. 84; 111 Cal. 305.

VOTING AND CHALLENGES.

Voting, When May Commence.

1224. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open.

(Sections 1225, 1226, 1227 and 1228, relating to the manner of voting, were repealed by implication because of the acts subsequently passed amending section 1205 of the Political Code. See Dillon v. Bicknell, 116 Cal. 111, 114.)

List of Voters.

1229. Each clerk must keep a list of persons voting, and the name of each person who votes must be entered thereon and numbered in the order of voting.

Grounds of Challenge.

1230. A person offering to vote may be orally challenged by any elector of the county upon either or all of the following grounds:

1. That he or she is not the person whose name appears on the register.
2. That he or she has not resided within the State one year next preceding the election.
3. That he or she has not been a naturalized citizen of the United States for ninety days prior to the election.
4. That he or she has not resided within the county for ninety days preceding the election.
5. That he or she has not resided within the precinct for thirty days next preceding the election.
6. That he or she has before voted that day.
7. That he or she has been convicted of an infamous crime.
8. That he or she has been convicted of the embezzlement or misappropriation of public money.

9. That he or she cannot read as required by the Constitution, and does not appear by statement in the affidavit of registration to be entitled to vote notwithstanding such inability.

[Amendment approved May 27, 1913.]

When Identity Is Challenged.

1231. If the challenge is on the ground that he is not the person whose name appears on the Great Register, the Inspector must tender him the following oath:

"You do swear (or affirm) that you are the person whose name is entered on the Great Register."

When Residence in the State Is Challenged.

1232. If the challenge is on the ground that he has not resided in the State for one year next preceding the election, the person challenged must be sworn to answer questions, and after he is sworn the following questions must be propounded to him by the Inspector:

1. Have you resided in this State for one year immediately preceding this election?

2. Have you been absent from this State within one year immediately preceding this election? If yes, then,

3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. Did you, while absent, regard this State as your home?

5. Did you, while absent, vote in any other State?

And such other questions as may be necessary to a determination of the challenge. [Amendment approved April 16, 1880; in effect immediately.]

When Residence in Precinct Is Challenged.

1233. If the challenge is on the ground that he has not resided in the county for ninety days, or precinct for thirty days next preceding the election, the person challenged must be sworn to answer questions, and after he is sworn, the following ques-

tions must be propounded to him by the Inspector:

1. When did you last come into this county or election precinct?

2. When you came into this county or precinct, did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county or precinct for the purpose of voting here?

And such other questions as may be necessary to a determination of the challenge. [Amendment approved April 16, 1880; in effect immediately.]

Challenge for Having Voted Before.

1234. If the challenge is on the ground that the person challenged has before voted that day, the Inspector must tender to the person challenged this oath:

"You do swear (or affirm) that you have not before voted this day."

75 Cal. 628.

Challenge on Ground of Conviction of Crime, or Person Cannot Read.

1235. If the challenge is on the ground that the person challenged has been convicted of an infamous crime, or that he or she has been convicted of the embezzlement or misappropriation of public money, he or she must not be questioned, but the fact may be proved by the production of an authenticated copy of the record, or by the oral testimony of two witnesses. [Amendment approved April 16, 1880; in effect immediately.]

If the challenge is on the ground that the person challenged cannot read as required by the Constitution, and it does not appear by the statement in the affidavit of registration that said person is entitled to vote notwithstanding such inability, the challenge shall be determined by the board by the inspection of the said affidavit, and by requiring the person offering to vote (if it does not appear from said affidavit that the person is entitled to vote notwithstanding such inability) to

read any consecutive one hundred words of the constitution of the state selected by the judges. [Amendment approved May 27, 1913.]

Certain Challenges, How Determined.

1236. Challenges upon the grounds either:

1. That the person challenged is not the person whose name appears on the Great Register;

2. That the party has before voted on that day;—are determined in favor of the party challenged by his taking the oath tendered.

2 Cal. App. 105.

Other Challenges, How Determined.

1237. If the challenge is on the ground that the person challenged is not the person whose name appears on the Great Register, he must take the oath tendered by the Board. Challenges for causes other than those specified in the preceding section must be tried and determined by the Board of Election at the time of the challenge. [Amendment approved April 16, 1880; in effect immediately.]

Refusal to Be Sworn.

1238. If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions touching the matter of residence, he must not be allowed to vote.

Determining the Place of Residence.

1239. The Board of Election, in determining the place of residence of any person, must be governed by the following rules, as far as they are applicable:

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

2. A person must not be held to have gained or lost residence by reason of his presence or absence from a place while employed in the service of the United States, or of this State, nor while engaged in navigation, nor while a student at any institu-

dred and forty-eight, and likewise to two clerks appointed by such additional members. He must then proceed to take out of the box the ballots, unopened, one at a time, numbering them on the backs in numerical order, commencing with number one, and writing with ink the initials of his own name upon the back of each ballot as taken out. He shall pass each ballot, as soon as thus indorsed, to the additional Inspector, who must, in like manner, write thereon the initials of his own name, so that each ballot can be subsequently identified by either or both such Inspectors.

111 Cal. 422.

Action on Ballots Found Folded Together.

1254. If two or more separate ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed; then, if upon comparison of the count with the number of names of electors on the lists which have been kept by the clerks, it appears that the two ballots thus folded together were cast by one elector, they must be rejected.

Number of Ballots—How Made to Agree With Names on List.

1255. The ballots must be immediately replaced in the box, and if the ballots in the box exceed in number the names on the lists, one of the Judges must publicly, and without looking into the box, draw out therefrom singly, and destroy, unopened, a number of ballots equal to such excess; and the Board of Election must make a record, upon the poll list of the number of ballots so drawn and destroyed. [Amendment approved March 18, 1905; in effect immediately.]

Lists to Be Signed, How.

1256. The number of ballots agreeing or being thus made to agree with the number of names on

the lists, the lists must be signed by the members of the Board and attested by the Clerks, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the Judges and the attestation of the Clerks, substantially in the form prescribed in section eleven hundred and seventy-four.

Ballots—How Counted.

1257. After the lists are thus signed, the Board must proceed to open the ballots and count and ascertain the number of votes cast for each person voted for. At all elections where a general ticket and a municipal ticket are used, the canvass of the general ticket shall be completed before the canvass of the municipal ticket is commenced. All ballots rejected for illegality must be indorsed upon the ballot the cause of such rejection, and signed by a majority of the Election Board, and thereafter strung upon a string. [Amendment approved March 20, 1899; in effect in sixty days.]

11 Cal. App. 585.

Records—How Kept.

1258. Each Clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for, to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink as the name of each candidate voted for is read aloud from the respective ballot, and immediately upon the completion of the tallies the Clerks who respectively complete the same must draw two heavy lines in ink from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. The ballot so read and the tally sheet so kept must, during the reading and tallying, be within the clear view of watchers at the count. [Amendment approved June 14, 1913.]

136 Cal. 400.

Ballots—How Disposed of.

1259. The ballot, as soon as the names marked on it as voted for are read and verified, must be strung on a string by one of the Judges, and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the Board writing his name across the seal. [Amendment approved March 20, 1899; in effect in sixty days.]

67 Cal. 306; 97 Cal. 86, 111; 146 Cal. 328; 1 Cal. App. 303.

Returns.

1260. As soon as all the votes are counted and the tickets sealed up, lists must be attached to the tally lists containing the names of persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the members of the Board and attested by the Clerks, substantially in the form in section eleven hundred and seventy-four given.

1 Cal. App. 126, 128.

Papers to Be Sealed Up, and Result of Vote to Be Sent to County Clerk.

1261. The Board must, before it adjourns, inclose in a cover, and seal up and direct to the County Clerk, the copy of the register upon which one of the Judges marked the word "voted" as the ballots were received, all certificates of registration received by it, one of the lists of the persons challenged, one copy of the list of voters, and one of the tally lists and list attached thereto. The Board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place; such copy of the result must be signed by the members of the Board, and attested by the Clerks. The Board must also immediately transmit unsealed to the County Clerk a copy of the result of the votes

cast at such polling place, which copy must be signed by the members of the Board, and which copy shall be open to the inspection of the public. It shall be a misdemeanor for any person to remove or deface such posted copy of the result or to delay or change the copy to be delivered to the County Clerk. [Amendment approved February 14, 1901; in effect immediately.]

132 Cal. 284; 143 Cal. 337; 155 Cal. 296; 1 Cal. App. 127, 128; 7 Cal. App. 402, 403.

Certain Lists Kept Open to Inspection.

1262. The other list of voters, tally list, and list attached thereto must be sent to the county clerk or registrar and retained by him open to inspection of all electors for at least six months. [Amendment approved May 27, 1913.]

132 Cal. 284; 1 Cal. App. 128.

Returns to Be Delivered to One Member of Board.

1263. The sealed packages containing the register, lists, papers, and ballots, must, before the Board adjourns, be delivered to one of its number, to be determined by lot, unless otherwise agreed upon.

132 Cal. 284; 1 Cal. App. 127, 128.

Returns Must Be Delivered to County Clerk.

1264. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the County Clerk, nearest postmaster, or sworn express agent, who shall endorse on such packages the name of the party delivering them, and date of such delivery. If delivered to a postmaster or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the City and County of San Francisco, such packages must be delivered to the Registrar of Voters within three hours from the time of adjournment of the Board, which time of adjournment must be endorsed upon such package, and upon each poll list, in ink, and signed by a majority of the mem-

bers of such Board. In the City and County of San Francisco the packages must be put up and sealed in the following manner, by an Inspector, and at least three other members of the Board, and be signed with their respective signatures across (flap) the same written.

One package to contain the voted ballots only; one package to contain one poll and tally list only; one package to contain the precinct registers, index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots. [Amendment approved March 18, 1905; in effect immediately.]

143 Cal. 471; 1 Cal. App. 128, 303; 7 Cal. App. 403.

Roster of Voters, How Delivered and Kept.

1264a. The Board of Election must before it adjourns, enclose in a cover and seal up and direct to the County Clerk or to the Registrar of Voters, in counties or cities and counties in this State having a Registrar of Voters, the roster of voters and such sealed package containing such roster of voters must be delivered to that one of its members who has been selected to deliver the other sealed packages required by law. This member must, without delay, deliver the package containing the roster of voters without its having been opened in the same manner and to the same persons and officials as he is required by law to deliver the other sealed packages entrusted to him by said board. All rosters of voters must be kept in the office of the County Clerk or in the office of the Registrar of Voters in counties and cities and counties having a Registrar of Voters, as a public record, for a period of one year and when received by such County Clerk or Registrar of Voters, all packages containing such rosters of voters shall be unsealed, and such rosters of voters shall at all times be open to the inspection of any citizen. The provisions of this section shall apply to all rosters of voters whether

used at elections or primary elections. [New section approved March 21, 1905; in effect in sixty days.]

Clerk to Keep Ballots Unopened for Twelve Months.

1265. On receipt of the packages the Clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package without opening or examining its contents; provided, however, that after the time limited for a contest, and in the event any contests have been commenced, then after said ballots have been opened and counted by the Superior Court in said contests, a Judge of the Superior Court of the county wherein said ballots were voted may order said packages to be opened for inspection in any case being tried in his court where he has jurisdiction of the same, whenever he shall deem it necessary to inspect the ballots contained in said packages in order to produce testimony to establish the proof of any material issue of fact arising in the course of the trial of said case. In no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the County Clerk. Whenever said packages, or any of them, shall have been inspected and examined, and a record made of the testimony therein contained, the same shall be restored to the exclusive control and custody of the County Clerk, who shall reseal the packages with the ballots contained therein, and keep the same until he shall burn them, in accordance with the direction of this section; provided, further, that if in any Congressional district within this State there has been or shall be filed a contest of the election of any person declared to have been elected a member of Congress, and the County Clerk or Registrar of Voters in any county or city and county be notified by the contestant, that such

Congressional election contest is pending then and in that case such County Clerk or Registrar of Voters shall not destroy the ballots in that county or city and county, or in the part or portion thereof within such Congressional district in which such contest is pending, until the final determination of such contest before the House of Representatives of the Congress of the United States; and such County Clerk or Registrar of Voters shall hold such ballots in his custody subject to the inspection of any committee of the House of Representatives or sub-committee thereof, having in charge the investigation of such contest, and shall produce such ballots for examination before any such committee of the House of Representatives or sub-committee or before any Commissioner designated by such Congressional committee or sub-committee or before any officer designated by act of Congress and duly selected to take depositions and proof in any such contest of the election of any person to Congress. [Amendment approved February 26, 1903; in effect immediately.]

80 Cal. 361; 97 Cal. 86; 143 Cal. 341, 471; 1 Cal. App. 303.

Ballots, When May Be Destroyed.

1266. If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding sections, destroy it, unless such package is, by virtue of an order of tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in which event the package and contents are in the custody of such tribunal.

67 Cal. 306; 80 Cal. 361; 97 Cal. 86.

Returns to Be Delivered to Board of Supervisors.

1267. The other package the Clerk must produce before the Board of Supervisors when it is in session for the purpose of canvassing returns.

Copy of Register to Be Filed.

1268. As soon as the returns are canvassed the Clerk must take the copy of the register returned and file it in his office.

111 Cal. 131; 132 Cal. 284; 1 Cal. App. 127.

CANVASS OF RETURNS—DECLARATION OF RESULT, ETC.

Meeting of Board to Canvass Returns.

1278. The Board of Supervisors of each county must meet at their usual place of meeting, on the first Monday after each election, to canvass the returns.

52 Cal. 9, 21; 111 Cal. 131; 132 Cal. 284; 1 Cal. App. 126, 128.

When May Not Proceed.

1280. If at the time of meeting, the returns from each precinct in the county in which polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all of the returns are received, or until six postponements have been had. In any county or city and county where the number of election precincts in said county or city and county exceed five hundred, said board may appoint several sets of clerks to perform the clerical work of the canvass and to assist in canvassing said returns; and said several sets of clerks so appointed may, under the order and direction of said board, do and perform such work in the canvassing of such returns simultaneously. Said canvass may be made at such place in the county or city and county as the board may by order entered in its minutes designate and declare to be a necessity; provided, that where it shall be made at a place other than the usual place of meeting of such board, the place shall be open to the public

the Superior Court. [Amendment approved April 16, 1880; in effect immediately.]

85 Cal. 512; 127 Cal. 350; 148 Cal. 16; 1 Cal. App. 128.

Returns From a District, How Made.

1285. When there are officers, other than Representatives in Congress, members of the State Board of Equalization, and Justices of District Court of Appeals voted for, who are chosen by the electors of a district composed of two or more counties, each of the County Clerks of the counties composing such districts, immediately after making out the statement specified in section twelve hundred and eighty-two, must make a certified abstract of so much thereof as relates to the election of such officers. [Amendment approved May 27, 1913.]

District Returns, How Transmitted.

1286. The Clerk must seal up such abstract, indorse it "Election Returns," and, without delay, transmit the same by mail or express to the County Clerk of the county which stands first in alphabetical arrangement in the list of counties composing such district. [Amendment approved April 12, 1911; in effect in sixty days.]

Duty of County Clerk.

1287. The Clerk to whom the election returns of a district are made, must, on the twentieth day after such election, or sooner, if returns from all the counties in the district have been received, open in public such returns, and from them and the statement of the vote for such officers in his own county:

1. Make a statement of the vote of the district for such officers, and file the same, together with the returns, in his office.

2. Transmit a certified copy of such statement to the Secretary of State.

3. Make out and deliver, or transmit by mail, to

the persons elected a certificate of election (unless it is by law otherwise provided).

Duty of County Clerk With Respect to State Returns.

1288. When there has been a general or special election for officers chosen by the electors of the State at large, or for judicial officers (except Justices of the Peace), or for members of the State Board of Equalization, or for Senators and members of the Assembly, each County Clerk, so soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, must make out a certified abstract of so much thereof as relates to the votes given or cast for persons for said offices to be filled at such election, together with a statement of the whole number of votes cast in the county as specified in section twelve eighty-two. Whenever there is a general or special election held within this State, and any proposed Constitutional amendment or proposition to be voted for by the electors of the State at large, each County Clerk, so soon as the statement of the vote is made out and entered upon the record of the Board of Supervisors, must make out a certified abstract of such vote. [Amendment approved April 23, 1913.]

52 Cal. 5, 6, 7, 22, 25.

How Transmitted.

1289. The Clerk must seal up such abstract, indorse it "Election Returns," and without delay transmit it by mail or express to the Secretary of State. [Amendment approved April 7, 1911; in effect in sixty days.]

52 Cal. 22.

Duty of Secretary of State.

1290. On the fortieth day after the day of election, or so soon as the returns have been received from all the counties of the State, if received within

that time (except in this Code otherwise provided), the Secretary of State must compare and estimate the vote, and make out and file in his office a statement thereof, and transmit a copy of such statement to the Governor, except in the case of Senators and members of the Assembly. [Amendment approved March 14, 1901; in effect immediately.]

85 Cal. 512.

Governor Must Issue Commissions.

1291. Upon receipt of such copy, the Governor must issue commissions to the persons who from it appear to have received the highest number of votes for offices, except that of Governor or Lieutenant-Governor, to be filled at such election.

85 Cal. 512; 138 Cal. 36.

Returns of Election of Governor and Lieutenant-Governor.

1292. When an election has been held to fill the office of Governor or Lieutenant-Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Returns of Election of Governor, Etc.

1293. The Clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant-Governor."

Duty of Clerk.

1294. He must at once direct one copy to "The Speaker of the Assembly next to meet," address it to Sacramento, California, and deposit it, postpaid, in the Post Office.

Duty of Clerk.

1295. The other copy he must direct and address in the same manner, and at once deliver it to a member elect of the Legislature, or to a Senator who holds over; and the person to whom it is so delivered must deliver it to the Speaker on or before the second day next after his election.

Canvass of Returns.

1296. The returns of election for Governor and Lieutenant-Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly in the presence of both houses.

Defects to Be Overlooked.

1297. No declaration of the result, commission, or certificate must be withheld on account of any defect or informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended and who is elected thereto.

ELECTION OF ELECTORS FOR PRESIDENT AND VICE-PRESIDENT.

Electors for President and Vice-President, When Chosen.

1307. At the general election in each bissextile or leap year, unless by the laws of the United States another time is fixed, and then, at such time, there must be chosen by the qualified voters of the State, as many Electors of President and Vice-President of the United States as the State is then entitled to.

Returns, How Made.

1308. The Clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the Board of Supervisors, must make a certified ab-

stract of so much thereof as relates to the vote given for persons for Electors of President and Vice-President of the United States.

How Transmitted.

1309. The Clerk must seal up such abstract, indorse it "Presidential Election Returns," and without delay transmit it to the Secretary of State by mail or express or in the manner hereinafter prescribed. [Amendment approved April 7, 1911.]

May Employ Messenger to Deliver Returns.

1310. If the County Clerk of any county has reason to believe that the abstract will not, in the due course of mail, reach the Secretary of State before the time fixed by law for canvassing the returns of such election, he may, with the approval of the Superior Judge, employ a person to convey and deliver such abstract to the Secretary of State. [Amendment approved April 16, 1880; in effect immediately.]

Affidavit to Be Made When Messenger Necessary.

1311. In the event provided for in the preceding section, the Clerk must make an affidavit, setting forth the reasons for his belief, and the name of the person employed by him, which affidavit, with the approval of the Superior Judge indorsed thereon, must be given to the person appointed, and by him, with the abstract, must be delivered to the Secretary of State. [Amendment approved April 16, 1880; in effect immediately.]

Compensation of Messenger.

1312. The person appointed by the Clerk, after he delivers the abstract and statement, is entitled to receive as compensation mileage at the rate of thirty cents a mile from the county seat to the seat of government. His account therefor, certified by the Secretary of State, must be audited by the Controller and paid out of the General Fund in the State Treasury.

Duty of Secretary of State.

1313. On the last Monday in the month of the election, or as soon as the returns have been received from all the counties in the State, if received before that time, the Secretary of State must compare and estimate the votes given for Electors, and certify to the Governor the names of the proper number of persons having the highest number of votes.

Governor to Issue Certificate of Election.

1314. The Governor must, upon the receipt of such certificate, transmit to each of such persons a certificate of election, and on or before the day of their meeting deliver to the Electors a list of the names of Electors, and must do all other things required of him in the premises by any Act of Congress in force at the time.

When Electors Must Assemble.

1315. The Electors chosen must assemble at the seat of government on the second Monday in January next following their election, at two o'clock in the afternoon.

Vacancies, How Filled.

1316. In case of the death or absence of any Elector chosen, or in case the number of Electors from any cause be deficient, the Electors then present must elect, from the citizens of the State, so many persons as will supply such deficiency.

Electors Must Vote, How.

1317. The Electors, when convened, must vote by ballot for one person for President and one person for Vice-President of the United States, one of whom, at least, is not an inhabitant of this State.

Separate Ballots for President and Vice-President.

1318. They must name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice-President.

Must Make Lists.

1319. They must make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes given for each.

Must Certify, Seal Up and Transmit Lists.

1320. They must certify, seal up, and transmit by mail such lists to the seat of government of the United States, directed to the President of the Senate.

Compensation of Electors.

1321. Presidential electors shall receive a compensation of ten dollars for their services as such elector, and mileage at the rate of ten cents per mile for each mile of travel from their domicile to the state capitol and return. [Amendment approved March 25, 1909.]

Accounts, How Audited and Paid.

1322. Their accounts therefor, certified by the Secretary of State, must be audited by the Controller, who must draw his warrants for the same on the Treasurer, payable out of the General Fund.

ELECTIONS FOR MEMBERS OF CONGRESS.

Election of Senators.

1332. Elections for Senators in Congress for full terms must be held at the general election at which members of the legislature are elected next preceding the commencement of the term to be filled. [Amendment approved May 27, 1913.]

Elections to Fill Vacancy.

1333. Elections to fill a vacancy in the term of United States Senator must be held at the general election or any special election held throughout the state next succeeding the occurrence of such vacancy. [Amendment approved May 27, 1913.]

1334. The Clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the Board of Supervisors, must make a certified abstract of so much thereof as relates to the vote given for persons for Senators in Congress. [New section approved May 27, 1913.]

1335. The Clerk must seal up such abstract, indorse it "Congressional Election Returns for Senator in Congress," and without delay transmit it by mail to the Secretary of State. [New section approved May 27, 1913.]

1336. On the sixtieth day after the day of election, or as soon as the returns have been received from all of the counties of the State, if received within that time, the Secretary of State must compare and estimate the votes given or cast for such persons or Senator, and certify to the Governor what person having the highest number of votes in the State as duly elected. [New section approved May 27, 1913.]

1337. The Governor must, upon receipt of such certificate, transmit to such person a certificate of his election, sealed with the great seal and attested by the Secretary of State. [New section approved May 27, 1913.]

Election of Representatives, When Held.

1343. At the general election to be held in the year eighteen hundred and eighty, and at the general election every two years thereafter, there must be elected, for each congressional district, one Representative to the Congress of the United States.

Returns, How Made.

1344. The Clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the Board of Supervisors, must make a certified abstract

of so much thereof as relates to the vote given for persons for Representatives to Congress.

52 Cal. 9, 15, 32; 132 Cal. 285.

How Transmitted.

1345. The Clerk must seal up such abstract, indorse it "Congressional Election Returns," and without delay transmit it by mail or express to the Secretary of State. [Amendment approved April 7, 1911.]

52 Cal. 10.

Duty of Secretary of State.

1346. On the sixtieth day after the day of election, or as soon as the returns have been received from the counties of the State, comprising any one district, if received within that time, the Secretary of State must compare and estimate the votes given or cast for such Representatives, and certify to the Governor the person having the highest number of votes in each congressional district as duly elected. [In effect March 14, 1901.]

52 Cal. 7; 132 Cal. 285.

Governor to Issue Certificates.

1347. The Governor must, upon the receipt of such certificate, transmit to each of such persons a certificate of his election, sealed with the Great Seal and attested by the Secretary of State.

PRIMARY ELECTIONS.

Primary Elections—How Conducted.

1359. Elections herein provided for and known and designated as primary elections shall be conducted, managed, and controlled as to selection of precinct officers, their powers and duties, publication of notices, use of original affidavits of registration, indexes and supplements thereto, challenging of voters, voting booths, printing and use of the ballots, cards of instruction, ascertainment of

results, time for opening and closing of the polls, and all other details, in the same manner, and subject to the same regulations as are elections for State, district, county, city and county, city, town, and local officers as far as applicable, except as otherwise provided in this chapter; provided, that sample ballots shall not be printed or distributed, and that there shall be but one ballot-box at each polling place; also, provided, that there shall be printed for each primary election precinct only as many ballots for each participating political party as there are names appearing on the register, indexes or supplements thereto as persons entitled to vote thereat; also, provided, that the compensation which shall be allowed to each primary precinct election officer shall not exceed four dollars per day, and it shall be the duty of every person so chosen to act as such primary precinct election officer at such primary election to perform the services required of him in such capacity. That the primary precinct election officers shall be: an Inspector, two Judges, two Clerks, and one Ballot Clerk for each primary election precinct, who must have been registered electors thereof for at east thirty days prior to their appointments and who must possess all the other qualifications required of precinct election officers for general elections, provided that the same person shall not, without his consent, be compelled to serve as said primary precinct election officer more than once in every two years. [Amendment approved March 18, 1905; in effect in sixty days.]

145 Cal. 155.

Primary Elections—Resolution Prescribing Party Test.

1361a. The governing committee of any political party, when filing its petition or application for a place on the primary official ballot, shall at the same time and with the officer of election authorized to receive such petitions, file a resolution prescribing the party test necessary for an elector to

vote for the delegates to the nominating convention of said party, in addition to the qualifications required by law. None but persons who possess the qualifications required by law and by the resolution of said party committee must be permitted to vote for delegates to the nominating convention of said party. [New section approved March 19, 1907; in effect immediately.]

151 Cal. 602, 603.

Elector to Declare His Political Affiliation.

1366a. At the time of registering and of transferring registration, in all places where the primary election law is in force, each elector shall declare the name of the political party with which he intends to affiliate at the ensuing primary election or elections, and the name of such political party shall be stated in the affidavit of registration, and the index thereto. If the elector declines to state the fact, the fact of such declination shall likewise be stated, and no person shall be entitled to vote at any primary election (by virtue of such registration) unless he has stated the name of the political party with which he intends to affiliate at the time of such registration. Nor shall he be permitted to vote on behalf of any party or for delegates to the convention of any party other than the party so designated in the registration.

In case any elector shall have declined to designate or shall have changed his political affiliation prior to the close of registration for primary elections he is entitled to have such change recorded prior to the close of said registration upon application to the County Clerk or Registrar of Voters. In case any elector shall have declined to designate or shall have changed his political affiliations prior to the close of registration, he may appear in person before the County Clerk or Registrar of Voters, at the office of the County Clerk or Registrar of Voters, and not elsewhere, and make affidavit substantially in the following form:

State of California, } ss.
County of }

....., being duly sworn, deposes and says that he is registered on the great register of the said county of .....; as a ....., (insert former party affiliation, or that he had declined to designate his party affiliation); that since the date of such registration he has changed his political views and in good faith declares his affiliation with the ..... party.

Subscribed and sworn to before me, this ..... day of ....., 191....

The County Clerk or Registrar of Voters shall take such affidavit without charge and shall file the same. Nothing in this section shall be construed to prevent any elector, who has registered before this act takes effect, from voting at such primary election. [New section approved March 19, 1907; in effect in thirty-five days.]

[See Secs. 16 and 17 of the Direct Primary Law, post.]

151 Cal. 600; 155 Cal. 792; 157 Cal. 320, 321, 400.

COUNTY AND TOWNSHIP OFFICERS.

When Elected.

4021. All elective county and township officers, except otherwise provided for in this title, and by law, shall be elected at the general election at which the Governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this title shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The Supervisors of any county created after the first day of

July, 1907, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election and the term of office of the class having the lesser number shall terminate in four years from such general election; provided, that whenever any county has heretofore framed and adopted a charter for its own government, under the provisions of section 7½ of article XI of the constitution of this state, and such charter has been heretofore approved by the legislature, as provided in said section of the constitution, and such charter shall provide for the appointment of all or any of such county or township officers, then such officers first to be appointed under the provisions of such charter shall be deemed the successors of the like elective officers in office at the time of the approval of such charter, which elective officers shall continue to hold office for the term for which they were elected and until the appointment and qualification of their successors under such charter; and no election for any such officer whose successor is so to be appointed shall be had at any election held subsequent to the approval of such charter, except to fill a vacancy for an unexpired term. [Amendment approved June 16, 1913.]

Removal or Recall of Elective Officers.

Sec. 4021a. The holder of any elective office of any county or any township or supervisor district thereof may be removed or recalled at any time by the electors; provided, he has held his office at least six months. The provisions of this section are intended to apply to officials now in office, as well as to those hereafter elected. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the county clerk, which petition shall be signed

by registered voters equal in number to at least twenty per cent of the entire vote cast within such county for all candidates for the office which the incumbent sought to be removed, occupies at the last preceding general election at which such officer was voted for (or a like percentage of such vote within those precincts of the county embraced within the district, township or subdivision of the county entitled to vote for a successor to the officer named, in case of an official not elected by the county at large), and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to the one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the county (or particular subdivision of the county, as the case may be) and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signature appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the county (or particular subdivision thereof). Within ten days from the date of such filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the peti-

tion is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If required by the clerk, the board of supervisors shall authorize him to employ, and shall provide for the compensation of, persons necessary in the examination of said petition and supplementing petitions, all in addition to the persons regularly employed by him in his office. In case the clerk is the officer sought to be recalled, the duties herein provided to be performed by him, shall be performed by some other person designated by said board, for that purpose. If the petition shall be found to be sufficient the clerk shall submit the same to the board of supervisors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; provided, that if a general election is to occur within sixty days from the date of the order calling such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the

removal and election of one or more elective officials. Nominations for any office under such recall election shall be made by petition in the manner prescribed by section 1188 of this code; except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition. Upon the sample ballot there shall be printed in not more than two hundred words the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify his course in office.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office,)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated in the manner provided by law for the nomination of candidates for such office as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in office. If a majority shall vote "yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for

candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. Where the office of registrar of voters exists, the duties herein imposed upon the county clerk shall be performed by said registrar of voters. [Enacted April 3, 1911; amendment approved January 2, 1912; in effect March 24, 1912.]

Official Bonds.

4022. The Board of Supervisors of each county shall, on or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, County Clerk, Auditor, Sheriff, Tax Collector, District Attorney, Recorder, Assessor, Surveyor, Superintendent of Schools, Public Administrator, Coroner, Justice of the Peace, and Constable. The Judge or Judges of the Superior Court shall, on or before the said first Monday of September, prescribe the amount in which each member of the Board of Supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the Judge, or Judges, if there be more than one, of the Superior Court. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the State, and is worth in real or personal property, or both, situate in this State, the amount of his undertaking, over and above all

sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the County Recorder, and then filed and kept in the office of the County Clerk. The official bond of the County Clerk shall, after being recorded, be filed and kept in the office of the County Treasurer. The Tax Collector shall also before qualifying give a bond as License Collector in such sum as may be fixed by the Board of Supervisors, to be approved as provided in this section. [New section approved March 18, 1907; in effect immediately.]

Who Is Eligible to County and Local Offices.

4023. No person is eligible to a county, district or township office who, at the time of his election, is not of the age of twenty-one years, or over, a citizen of the State, and an elector of the county, district, township, or other division, in which the duties of the office are to be exercised; provided, that no person shall hereafter be eligible to the office of District Attorney who has not been admitted to practice in the Supreme Court of the State of California; and provided further, that the county live stock inspector shall, at the time of his appointment, be a duly qualified veterinary surgeon having on file in the office of the County Clerk a certificate issued to him by the State Veterinary Medical Board. [Amendment approved December 18, 1911; in effect March 24, 1912.]

Appointment of Deputies.

4024. Every county, township, or district officer, except a Supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing and filed in the office of the County Clerk, and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no

one shall be or act as such deputy. [New section approved March 18, 1907; in effect immediately.]

Registers, Indexes, etc.

4025. The board must provide the registers required by law and printed copies of the indexes, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers. [New section approved March 18, 1907; in effect immediately.]

Canvass of Elections.

4026. Whenever, as canvassers, the Board of Supervisors have declared the result of an election held in the county, certificates must be, by the County Clerk, issued to all persons elected to a county, township or district office therein, and such other certificates must be made out and transmitted as required by law. [New section approved March 18, 1907; in effect immediately.]

General Permanent Powers of Boards of Supervisors.

4041. The Boards of Supervisors, in their respective counties, shall have jurisdiction and power under such limitations and restrictions as are prescribed by law:

* * * * * *

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same and create others as convenience requires.

3. To establish, abolish and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result, and order the County Clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any

precinct changed, within ninety days prior to any election.

* * * * * *

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the Board of Supervisors and elective county or township officers, except in those of Judge of the Superior Court and Supervisor, the appointee to hold office for the unexpired term or until the next general election. [Amendment approved May 1, 1911.]

ORDINANCES.

Ordinances—How Enacted by Counties.

Sec. 4058. Ordinances may also be enacted by and for any county of the state in the manner following. Any proposed ordinance may be submitted to the board of supervisors by a petition filed with the county clerk after being signed by qualified electors of the county not less in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number, where such street and number, or either exist, and if no street and number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by an elector of the county and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant each is the genuine signature of the person whose name purports to be thereunto subscribed, and of a qualified elector of the county. Within ten days from the date of filing such petition the county clerk shall examine and from the records of registration ascertain whether

or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate by the filing of additional papers duplicates of the original petition except as to the names signed. The clerk shall within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers are still insufficient, no action on the petition shall be mandatory on the board of supervisors; but the petition shall remain on file as a public record, and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same or similar effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board of supervisors at its next regular session.

If the petition accompanying the proposed ordinance be signed by electors not less in number than twenty per cent of the entire vote cast within such county for all candidates for governor of the state at the last preceding general election at which such a governor was voted for, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the board of supervisors shall either:

(a) Pass such ordinance without alteration at the regular session at which it is presented and within ten days after it is presented; or,

(b) Forthwith the supervisors shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the electors of the county.

If the petition be signed by electors not less in number than ten per cent of the entire vote cast for all candidates for governor at the last preceding election when such candidates for governor

were voted for, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the electors at a special election, and is not passed without change by said legislative body, then such ordinance, without alteration, shall be submitted by the board of supervisors to a vote of the electors at the next general election.

The ballots used when voting upon said proposed ordinances shall have printed thereon the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same.

If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the county and be considered as adopted upon the date that the vote is canvassed and declared by the board of supervisors and go into effect ten days thereafter.

Such ordinance shall have the same force and effect as one passed by the board of supervisors except that no ordinance proposed by petition as in this section provided and thereafter passed either by the vote of the board of supervisors without submission to a vote of the people or voted upon and adopted by the people, shall be repealed or amended except by a vote of the people, unless provision otherwise be made in the ordinance itself.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided that there shall not be held under this section more than one special election in any period of six months.

If any measure be submitted upon an initiative

petition of registered voters, as hereinbefore provided, the persons filing said petition shall have the right, if they so choose, to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in length in opposition thereto which may be prepared by the board of supervisors. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the highest number of affirmative votes shall control.

The board of supervisors may submit to the people, without a petition therefor, a proposition for the repeal of any adopted ordinance or for amendments thereto or for the enactment of any new ordinance to be voted upon at any succeeding general or special election and if such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed, amended or enacted accordingly.

Whenever any ordinance or proposition is required by this section to be submitted to the voters of a county at any election the county clerk shall cause the ordinance or proposition to be printed and he shall mail a printed copy thereof, enclosed in an envelope with a sample ballot, to each voter, at least ten days prior to the election. Notice of the election shall be given by the board of supervisors by publication in some newspaper of general circulation throughout the county, to be designated by such board, for at least two weeks before the election. All the provisions of this section are to be liberally construed for the purpose of ascertaining and enforcing the will of the electors.

The enacting clause of an ordinance passed by the vote of the electors shall be substantially in the following form:

"The people of the county of ——— do ordain as follows:"

When a special election is to be called under the terms of this section it shall be held not less than thirty nor more than sixty days after the date of the presentation of the proposed ordinance to the board of supervisors, and shall be held as nearly as may be in accordance with the election laws of the state, provided, however, that, to avoid holding more than one such election within any six months, the date for holding such special election may be fixed later than such sixty days, but at as early a date as practicable after the expiration of such six months; provided further that when under any of the terms of this statute fixing the time within which a special election shall be held it is made possible to hold the same within three months prior to a general election, the board of supervisors may, in its discretion, submit the proposed ordinance at such general election instead of at a special election. Except an ordinance calling or otherwise relating to an election, no ordinance passed by the board of supervisors except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of the facts constituting its urgency and is passed by a four-fifths vote of the board, and no ordinance granting a franchise shall go into effect before thirty days from its final passage; and if, during said thirty days, petition signed by qualified electors of the county equal to ten per cent of the entire vote cast therein for all candidates for governor of the state at the last preceding general election at which a governor was voted for, protesting against the passage of such ordinance, be presented to the board, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board to reconsider such ordinance. If said board shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general election or a special election to be called for the purpose, and such ordinance shall not go into effect or become

operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto and the manner of voting thereon, shall conform to the rules provided herein for the initiation of legislation by the electors.

Sec. 2. Where the office of registrar of voters exists, the duties herein imposed upon the county clerk shall be performed by said registrar of voters. [Enacted April 3, 1911; amendment approved January 2, 1912; in effect March 24, 1912.]

CHAPTER V.

SECTIONS OF THE PENAL CODE RELATING TO ELECTIONS.

Acting as Election Officer Without Appointment.

Section 40. Any person who acts as an election officer at any election, without first having been appointed and qualified as such, and any person who, not being an election officer, performs or discharges any of the duties of an election officer, in regard to the handling or counting or canvassing of any ballots cast at any election, shall be guilty of a felony, and on conviction be punished by imprisonment in the State Prison for not less than two nor more than seven years. [New section approved March 26, 1895; in effect immediately.]

Violation of Law by Certain Officers.

41. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by this Code, punishable by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both.

75 Cal. 628, 631; 142 Cal. 79; 146 Cal. 309.

Fraudulent Registration.

42. Every person who willfully causes, procures, or allows himself to be registered in any register of electors required by law to be made or kept, knowing himself not to be entitled to such registration, is punishable by imprisonment in the State prison for not less than one nor more than three years. [Amendment approved March 21, 1905; in effect in sixty days.]

Procuring Fraudulent Registration.

42a. Every person who willfully causes, procures, or allows any other person to be registered in any register of electors required by law to be made or kept, knowing him not to be entitled to such registration, is punishable by imprisonment in the State prison for not less than one nor more than three years. [New section approved March 21, 1905; in effect in sixty days.]

Refusal to be Sworn or Answer Questions.

43. Every person who, after being required by the Board of Judges at an election, refuses to be sworn, or being sworn, refuses to answer any pertinent questions propounded by such Board touching the right of another to vote, is guilty of a misdemeanor.

Refusal to Obey Summons.

44. Every person summoned to appear and testify before any Board of Registration, who willfully disobeys such summons, is guilty of a misdemeanor.

Fraudulent Voting or Interference With Votes.

45. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two or more tickets, folded together, or changes any ballot after the same has been deposited in the ballot-box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulently introducing the same into the ballot-box either before or after the ballots therein have been counted; or adds to, or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll-lists, or ballots, or ballot-box, for the pur-

pose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony. [Amendment approved March 21, 1905; in effect in sixty days.]

91 Cal. 467; 145 Cal. 108.

Attempting to Vote Fraudulently.

46. Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who personates, or attempts to personate, a person legally entitled to vote, is punishable by imprisonment in the State prison for not less than one nor more than two years. [Amendment approved March 21, 1905; in effect in sixty days.]

Procuring Fraudulent Votes.

47. Every person who procures, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, or who aids or abets in the commission of any of the offenses mentioned in the preceding section, is punishable by imprisonment in the State prison not exceeding two years. [Amendment approved March 21, 1905; in effect in sixty days.]

Changing Ballots or Altering Returns.

48. Every officer or Clerk of Election who aids in changing or destroying any poll list, or in placing any ballots in the ballot-box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to

add to or mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the State prison for not less than two nor more than seven years.

Inspectors Must Not Unfold or Mark Tickets.

49. Every inspector, judge, or clerk of an election who, previously to putting the ballot of an elector in the ballot-box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in, to be opened or examined previously to putting the same into the ballot-box, or who makes or places any mark or device on any folded ballot with a view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such inspector, judge, or clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. [Amendment approved March 21, 1905; in effect in sixty days.]

Acting As Election Officer When Ineligible or Refusing to Act When Eligible.

49a. Any person acting as a member of any election board, or as a clerk upon such board, who cannot read and write the English language, or any person who refuses to act upon such board, or as a clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good

and sufficient cause for such refusal is shown to the Election Board or Board of Supervisors, is guilty of a misdemeanor, and is subject to a fine of five hundred dollars, and upon failure to pay such fine, must be imprisoned in the county jail of the county for the period of one day for each two dollars of such fine. [New section approved March 21, 1905; in effect in sixty days.]

Forging or Counterfeiting Returns.

50. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town, or ward where no election was in fact held, or willfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct, town, or ward where an election was actually held, is punishable by imprisonment in the State prison for a term not less than two nor more than seven years. [Amendment approved March 21, 1905; in effect in sixty days.]

Altering Returns.

51. Every person who willfully adds to, or subtracts from, the votes actually cast at an election, in any official or unofficial returns, or who alters such returns, is punishable by imprisonment in the State prison for not less than one year nor more than five years. [Amendment approved March 21, 1905; in effect in sixty days.]

Aiding or Abetting Offenses.

52. Every person who aids or abets in the commission of any of the offenses mentioned in the four preceding sections is punishable by imprisonment in the county jail for the period of six months, or in the State Prison not exceeding two years.

Intimidating or Defrauding Electors.

53. Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence any elector in giving his vote, or to deter him from giving the same;

or attempts by any means whatever to awe, restrain, hinder, or disturb any elector in the exercise of the right of suffrage, or furnishes any elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon, different from the name which is written or printed thereon, or defrauds, any elector at any such election by deceiving and causing such elector to vote for a different person for any office than he intended or desired to vote for; or who, being Inspector, Judge, or Clerk of any election, while acting as such, induces or attempts to induce any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of felony. [Amendment approved February 23, 1893.]

Furnishing Money for Election Purposes.

54. Every person who, with intent to promote the election of himself or any other person, either:

1. Furnishes entertainment at his expense to any meeting of electors previous to or during an election;

2. Pays for, procures or engages to pay for any such entertainment;

3. Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm;

4. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating ballots, hand-bills, and other papers previous to such election,—is guilty of a misdemeanor.

Unlawful Receiving, Etc., of Money Before or During and After Election.

54a. It is unlawful for any person, directly, by himself, or through any other person:

1. To receive, agree, or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or persons at any election;

2. To receive any money, or other valuable thing, during or after an election, on account of himself or any other person having voted, or refrained from voting, for any particular person or persons at such election or on account of himself or any other persons having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person, or persons, or to come to or remain away from the polls at such election;

3. To receive any money or other valuable thing, before, during, or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle, or any club, society, or association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the State Prison for not less than one nor more than seven years. [New section approved March 21, 1905; in effect in sixty days.]

Unlawful Paying, Etc., of Money.

54b. It is unlawful for any person, directly or indirectly, by himself or through any other person:

1. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election;

2. To give, offer, or promise any office, place, or employment, or to promise to procure, or endeavor to procure, any office, place, or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons;

3. To make any gift, loan, promise, offer, procurement, or agreement, as aforesaid, to, for, or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election;

4. To procure, engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person, or the vote of any voter at such election;

5. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay or cause to be paid,

any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election;

6. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election;

7. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest, who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the State prison;

8. To advance or pay, or cause to be paid, any money or other valuable thing, to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle, or any club, society, or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society, or association having voted to select or indorse any person as a candidate for a public office, except that a candidate for nomination to a public office may contribute such proportion of the cost and expense of holding a primary election as is authorized by the Political Code of this State, and no more;

9. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of

any other person, in consideration of a person withdrawing as a candidate for a public office.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the State Prison for not less than one year nor more than seven years.

[New section approved March 21, 1905; in effect in sixty days.]

Procuring Votes by Promises.

55. Every person who being a candidate at any election, offers or agrees to appoint, or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, or procure, or aid in procuring, the election of such candidate, is guilty of a misdemeanor.

99 Cal. 289.

Soliciting, Demanding or Pledging Votes for or Against Bill.

55a. Any person, either individually or as an officer or member of any committee or association, who solicits or demands of any candidate for the legislature, supervisor, school director, or for any legislative body, that he shall vote for or against any particular bill or measure which may come before such body to which he may be elected, and any candidate for any of such offices who signs or gives any pledge that he will vote for or against any particular bill or measure that may be brought before any such body, is guilty of a misdemeanor; and any candidate convicted under the provisions of this section is, in addition, disqualified from holding the office to which he may have been elected. The provisions of this section do not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who sign a certificate for his nomination. [New section, approved March 21, 1905; in effect in sixty days.]

Communicating Unlawful Offers.

56. Every person, not being a candidate, who communicates any offer made in violation of the last section to any person with intent to induce him to vote for, or to procure or aid in procuring the election of, the candidate making the offer, is guilty of a misdemeanor.

Bribing Legislative Caucuses.

57. Every person who gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust or profit, in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, and every person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the State Prison not less than one nor more than seven years. [Amendment approved March 21, 1905; in effect in sixty days.]
126 Cal. 352.

Fraudulent Acts to Change Result of Election by Officers.

57a. Every officer or clerk of election who aids in changing or destroying any poll-list or official ballot, or in wrongfully placing any ballots in the ballot-box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box, before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it, or carries away or destroys, or knowingly

allows another to carry away or destroy, any poll-list, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the State Prison for not less than two nor more than seven years. [New section, approved March 21, 1905; in effect in sixty days.]

Preventing Public Meetings.

58. Every person who, by threats, intimidations, or unlawful violence, willfully hinders or prevents electors from assembling in public meetings for the consideration of public questions, is guilty of a misdemeanor.

Unlawful Interference with Elective Franchise.

59. It is unlawful for any person, directly or indirectly, by himself or other person in his behalf, to make use of, or threaten to make use of, any force, violence, or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm, or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it is unlawful for any person, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election. It is not lawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in pay envelopes upon which there is written or printed the name of any candidate, or

any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes. Nor is it lawful for any employer, within ninety days of any election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employes may be working, any handbill or placard containing any threat, notice, or information, that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place of establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section applies to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter. [Amendment approved March 21, 1905; in effect in sixty days.]

Betting on Elections.

60. Every person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

Violation of Election Laws by Persons Not Officers.

61. Every person who willfully violates any of the provisions of the laws of this State relating to elections is, unless a different punishment for such violation is prescribed by this Code, punishable by a fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both.

Printing or Circulating Incorrect Tickets.

62. Every person who prints any ticket not in conformity with the provisions of chapter eight of title two of part three of the Political Code, or who circulates or gives to another any ticket, knowing at the time that such ticket does not conform to the provisions of chapter eight of title two of part three of the Political Code, is guilty of a misdemeanor. [Amendment approved March 21, 1905; in effect in sixty days.]

Certain Matter Must Not Be Printed or Circulated Unless Signed.

62a. Every person who intentionally writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, any circular, pamphlet, letter, or poster which is designed or intended to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon such circular, pamphlet, letter, or poster, in a conspicuous place, either the name of the Chairman and Secretary or the names of two officers at least of the political or other organization issuing the same, or the name and residence, with the street and number thereof, if any, of some voter of this State, and responsible therefor, shall be guilty of a misdemeanor. [New section approved March 15, 1901; in effect immediately.]

Printer Must Add His Imprint.

62b. Every person who prints any circular, pamphlet, letter, or poster of the kind or character mentioned in section 62a of this Code, without adding thereto his name, showing the printing office at which the same was printed, is guilty of a misdemeanor. [New section approved March 15, 1901; in effect immediately.]

Advancing Money for Election of United States Senator.

63. Every candidate for United States Senator at an approaching session of the Legislature, and every person acting for or on behalf of any such candidate for Senator in the Congress of the United States at an approaching session of the Legislature, who shall advance or give or loan, or promise to advance or give or loan, any money or property to any candidate for the Legislature, before or after his nomination, or before or after his election, under an express or implied promise that such candidate for the Legislature (whether nominated or not, or before or after his election) will support or vote for such candidate for Senator in the Congress of the United States at an approaching session of the Legislature, shall be deemed guilty of a felony. The advancing, giving or loaning of money or property, or the promise to advance, give, or loan money or property to any candidate for the Legislature, by any candidate for Senator as aforesaid, or by any person for him, or on his behalf, as aforesaid, shall be deemed prima facie proof of an express or implied agreement that such candidate for the Legislature will, if elected to the Legislature, vote for such candidate for Senator in Congress. [New section approved March 9, 1899; in effect in sixty days.]

Accepting of Money.

63½. Every person being a member-elect of the Legislature, and every person being a candidate for the Legislature, and every person being a candidate for nomination for the Legislature, who shall accept any money or property from any candidate for Senator in the Congress of the United States before the Legislature at an approaching session thereof, or from any other person acting for or on behalf of any such candidate for Senator in the Congress of the United States at an approaching session of the Legislature, under an express or im-

plied promise that such member-elect of the Legislature, or such candidate for the Legislature, or candidate for nomination for the Legislature, will, if elected as a member of the Legislature, support or vote for any such candidate for Senator in the Congress of the United States for that office, shall be deemed guilty of a felony. The receipt of money or property by any member-elect of the Legislature and by any candidate for the Legislature, and by any candidate for nomination for the Legislature, from any candidate before the Legislature for Senator in Congress at an approaching session of the Legislature as aforesaid, or from any person acting for or on behalf of any such candidate for Senator in Congress as aforesaid, shall be prima facie proof of an express or implied agreement that such member-elect of the Legislature will vote for such candidate for Senator as aforesaid, and that such candidate, or candidate for nomination for the Legislature, will, if elected, vote for such candidate for Senator as aforesaid. [New section approved March 9, 1899; in effect in sixty days.]

Furnishing Liquors During Election Hours.

63b. Every person keeping a public house, saloon, or drinking place, whether licensed or unlicensed, who sells, gives away, or furnishes spirituous or malt liquors, wine, or any other intoxicant, on any part of any day set apart for any general or special election, in any election district or precinct in any county of the State where an election is in progress, during the hours when by law the polls are required to be kept open, is guilty of a misdemeanor. [New section approved March 21, 1905; in effect in sixty days.]

Witness Not Excused on Ground That He May Criminate Himself.

64. No person otherwise competent as a witness, shall be disqualified or excused from testifying concerning any of the offenses enumerated and prescribed in this title, on the ground that such testi-

mony may criminate himself; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution. [New section approved March 20, 1891.]

146 Cal. 309.

Provisions Applicable to Primary Elections.

64½. All the provisions of sections forty to sixty-four of this Code, both inclusive, shall apply with like force and effect to elections, known and designated as primary elections, held and conducted under official supervision pursuant to law and to registration therefor, as to other elections, whether the word "primary" be used in connection with the word "election" or "elections" used in said sections or not. [Amendment approved March 4, 1899; in effect immediately.]

CHAPTER VI.

SECTIONS OF CODE OF CIVIL PROCEDURE RELATING TO ELECTIONS.

Grounds of Contesting Elections.

1111. Any elector of a county, city and county, city, or of any political subdivision of either, may contest the right of any person declared elected to an office to be exercised therein, for any of the following causes:

1. For malconduct on the part of the Board of Judges, or any member thereof.

2. When the person whose right to the office is contested was not, at the time of the election, eligible to such office.

3. When the person whose right is contested has given to any elector, or Inspector, Judge, or Clerk of the election, any bribe or reward, or has offered any such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise, defined in Title IV, Part I, of the Penal Code.

4. On account of illegal votes.

46 Cal. 401; 64 Cal. 95; 65 Cal. 59; 83 Cal. 71; 87 Cal. 124; 100 Cal. 201; 104 Cal. 661; 111 Cal. 420; 114 Cal. 96; 118 Cal. 395, 400; 127 Cal. 31; 128 Cal. 284; 129 Cal. 327; 134 Cal. 152; 136 Cal. 266; 138 Cal. 152; 139 Cal. 5; 141 Cal. 413, 559; 142 Cal. 78, 498, 592; 143 Cal. 470, 546; 146 Cal. 329; 148 Cal. 14; 151 Cal. 163; 154 Cal. 280, 281, 282; 158 Cal. 539, 541; 1 Cal. App. 129, 300; 2 Cal. App. 55; 6 Cal. App. 125; 7 Cal. App. 157.

Irregularity in Conduct of Judges.

1112. No irregularity or improper conduct in the proceedings of the Judges, or any of them, is such malconduct as avoids an election, unless the irregu-

larity or improper conduct is such as to procure the person whose right to the office is contested to be declared elected, when he had not received the highest number of legal votes.

83 Cal. 78; 108 Cal. 111; 124 Cal. 13; 136 Cal. 402; 143 Cal. 342, 486, 546, 547, 549; 148 Cal. 14.

When Does Not Annul Elections.

1113. When any election held for an office exercised in and for a county is contested on account of any malconduct on the part of the Board of Judges of any township election, or any member thereof, the election cannot be annulled and set aside upon any proof thereof, unless the rejection of the vote of such township or townships would change the result as to such office in the remaining vote of the county.

148 Cal. 14.

Illegal Votes Do Not Annul, When.

1114. Nothing in the fourth ground of contest, specified in Section eleven hundred and eleven, is to be so construed as to authorize an election to be set aside on account of illegal votes, unless it appear that a number of illegal votes has been given to the person whose right to the office is contested, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

65 Cal. 286; 83 Cal. 73; 128 Cal. 284; 143 Cal. 547; 148 Cal. 14.

Procedure in Case of Contest.

1115. When an elector contests the right of any person declared elected to such office, he must file with the County Clerk a written statement, setting forth specifically:

1. The name of the party contesting such election, and that he is an elector of the district,

county, or township, as the case may be, in which such election was held;

2. The name of the person whose right to the office is contested;

3. The office;

4. The particular grounds of such contest;

Such statement must be verified by the contesting party, as provided by Section 446 of this Code, and must be filed within thirty days after the declaration of the result of the election by the body canvassing the returns thereof, except in cases where the contest is brought on any of the grounds mentioned in subdivision three of section one thousand one hundred and eleven, when it must be brought within six months after the declaration of the result of the election by the body canvassing the returns thereof. [Amendment approved March 25, 1909; in effect immediately.]

46 Cal. 403; 58 Cal. 207; 65 Cal. 59; 111 Cal. 130; 121 Cal. 479; 141 Cal. 274; 142 Cal. 504; 143 Cal. 485; 146 Cal. 329; 148 Cal. 14; 158 Cal. 539; 13 Cal. App. 274.

When Illegal Voting Is Cause of Contest.

1116. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that in one or more specified voting precincts illegal votes were given to the person whose election is contested, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony can be received of any illegal votes, unless the party contesting such election deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial; and no

testimony can be received of any illegal votes except such as are specified in such list.

51 Cal. 516; 58 Cal. 211; 105 Cal. 182; 121 Cal. 534; 136 Cal. 4, 277; 142 Cal. 504; 148 Cal. 14; 11 Cal. App. 587, 588.

Want of Form.

1117. No statement of the grounds of contest will be rejected, nor the proceedings dismissed by any Court, for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which such election is contested.

141 Cal. 275; 143 Cal. 21, 485; 145 Cal. 318; 148 Cal. 14; 1 Cal. App. 300.

Superior Court Must Set Day for Hearing Contest.

1118. Upon the statement being filed, the County Clerk must inform the Superior Court of the county thereof, which shall thereupon set some day to be named by it, not less than ten nor more than twenty days from the date of such order, to hear and determine such contested election. [Amendment approved March 18, 1907; in effect in sixty days.]

(This section was enacted twice. See below.)

158 Cal. 540; 13 Cal. App. 273.

Special Session of Court.

1118. Within five days after the end of the time allowed for filing such statements the County Clerk must notify the Superior Court of the county or city and county of all statements filed. The court shall thereupon order a special session to be held, on some day to be named by it, not less than ten nor more than twenty days from the date of such order, at which session the ballots shall be opened and a recount taken, in the presence of all the parties, of the votes cast for the various candidates in all contests where it appears from the statements filed that a recount is necessary for the proper determin-

ation of such contest or contests. The court shall continue in special session to hear and determine all other issues arising in such contested elections, and within ten days after the submission thereof the court shall file its findings of fact and conclusions of law, and immediately thereafter judgment thereon shall be entered. [Amendment approved March 19, 1907; in effect immediately.]

(See preceding section.)

119 Cal. 614, 616; 143 Cal. 21; 148 Cal. 14; 158 Cal. 540; 13 Cal. App. 273, 274, 275.

Clerk Must Issue Citation.

1119. The Clerk shall thereupon issue a citation for the person whose right to the office is contested, to appear at the time and place specified in the order, which citation must be delivered to the Sheriff, and served either upon the party in person, or, if he cannot be found, by leaving a copy thereof at the house where he last resided, at least five days before the time so specified.

148 Cal. 14; 158 Cal. 539, 540, 542, 544, 545, 546; 12 Cal. App. 421; 13 Cal. App. 275.

Witnesses to Be Subpoenaed.

1120. The Clerk must issue subpoenas for witnesses at the request of either party, which must be served as other subpoenas; and the Superior Court shall have full power to issue attachments to compel the attendance of witnesses who have been subpoenaed to attend.

148 Cal. 14.

Hearing of Contest.

1121. The Court must meet at the time and place designated, to determine such contested election, and shall have all the powers necessary to the determination thereof. It may adjourn from day to day until such trial is ended, and may also continue the trial, before its commencement, for any time not exceeding twenty days, for good cause shown

by either party upon affidavit, at the costs of the party applying for such continuance.

119 Cal. 614, 617; 148 Cal. 14; 158 Cal. 540, 542, 545, 546, 547.

Rules Governing Trial and Determination.

1122. The Court must be governed, in the trial and determination of such contested election, by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable; and may dismiss the proceedings if the statement of the cause or causes of the contest is sufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the Court must pronounce judgment in the premises, either confirming or annulling and setting aside such election.

65 Cal. 286; 104 Cal. 664; 121 Cal. 479; 141 Cal. 563; 142 Cal. 373; 148 Cal. 14; 1 Cal. App. 129; 7 Cal. App. 157.

Court Must Declare Person Elected.

1123. If in any such case it appears that another person than the one returned has the highest number of legal votes, the court must declare such person elected. The person declared elected by the Superior Court shall be entitled to a certificate of election; and if a certificate has not already been issued to him, the County Clerk must immediately make out and deliver to such person a certificate of election signed by him, and authenticated with the seal of the Superior Court. If the Clerk has issued any certificate for the same office to any other person than the one declared elected by the court, such certificate shall be annulled by the judgment. [Amendment approved March 19, 1907; in effect in sixty days.]

128 Cal. 284; 140 Cal. 651; 141 Cal. 416, 561, 563; 148 Cal. 14; 154 Cal. 284.

Tie Vote—Who May Contest.

1124. Whenever the body canvassing the returns of any such election declares that no person has received the highest number of votes given for that particular office, any elector of the county, city and county, city or political subdivision of either, in which such office is to be exercised may, within twenty days after such declaration, contest the same by filing with the Clerk a written statement setting forth the matters stated in subdivisions one, three and four of Section 1115 and also the names of the persons shown by such declaration to have received the highest and equal number of votes; which statement must be verified.

A citation must thereupon be issued to and served upon such of said persons receiving an equal number of votes as are not contestants as provided in Section 1119.

Thereupon like proceedings must be had as are provided in this title for contesting the right of a person declared elected; and all the provisions of this title so far as applicable thereto must govern in such proceedings.

If the court finds that some person has received the highest number of votes such person must be declared elected. [New section approved March 19, 1907; in effect in sixty days.]

(This section was enacted twice. See below.)

Tie Vote—Who May Contest.

1124. Whenever the body canvassing the returns of any such election declares that no person has received the highest number of votes given for that particular office, any elector of the county, city and county, city, or political subdivision of either, in which such office is to be exercised, may, within twenty days after such declaration, contest the same by filing with the County Clerk a written statement, setting forth specifically the matters stated in subdivisions 1, 3 and 4 of Section 1115, and also the names of the persons shown by such declaration to

have received an equal number of votes; which statement must be verified as provided in said Section 1115. A citation must thereupon be issued for and served upon the persons so declared to have received an equal number of votes, as provided in Section 1119, unless one of such persons is the contestant, in which case the citation need not be issued for or served upon him. Thereupon like proceedings must be had as are provided in this title for contesting the right of a person declared elected, and all the provisions of this title, so far as applicable thereto, must govern in such proceedings. [New section approved March 23, 1907; in effect in sixty days.]

(See preceding section.)

148 Cal. 14.

Costs of the Proceedings.

1125. If the proceedings are dismissed for insufficiency, or for want of prosecution, or the election is by the court confirmed, judgment must be rendered against the party contesting such election, for costs, in favor of the party whose election was contested; but if the election is annulled or set aside, judgment for costs must be rendered against the party whose election was contested, in favor of the party contesting the same; provided, that where two or more contested elections are joined for the purpose of recounting votes as in this title provided, the costs shall be apportioned among the parties in the discretion of the court. Primarily each party is liable for the costs created by himself, to the officers and witnesses entitled thereto, which may be collected in the same manner as similar costs are collected in other cases. [Amendment approved March 19, 1907; in effect in sixty days.]

65 Cal. 286; 127 Cal. 33; 143 Cal. 549; 148 Cal. 14; 7 Cal. App. 154.

Right of Appeal.

1126. Either party aggrieved by the judgment of the court may appeal therefrom to the District Court of Appeal, as in other cases of appeal thereto from the Superior Court; provided, that during the pendency of proceedings on appeal, and until final determination of such proceedings, the person declared elected by the Superior Court shall be entitled to the office in like manner as if no appeal had been taken. [Amendment approved April 16, 1909; in effect in sixty days.]

79 Cal. 483; 114 Cal. 98; 125 Cal. 528; 146 Cal. 325; 148 Cal. 14.

(This section was amended twice in 1907; by the amendment approved March 17, 1907, and again by the amendment approved March 23, 1907. As the amendment of 1909 supersedes the amendment of March 19, 1907, the amendment of March 23, 1907, which limits the time to appeal, is also given below.)

Appeal.

1126. Either party aggrieved by the judgment of the court may, within thirty days after notice of the entry thereof, appeal therefrom to the supreme court, as in other cases of appeal thereto from the superior court. [Amendment approved March 23, 1907.]

(See preceding section and note.)

When Election Is Void.

1127. Whenever an election is annulled or set aside by the judgment of the Superior Court, and no appeal has been taken within ten days thereafter, the commission, if any has issued, is void, and the office vacant.

111 Cal. 420; 114 Cal. 96; 129 Cal. 327; 134 Cal. 152; 148 Cal. 14; 151 Cal. 169; 152 Cal. 270; 158 Cal. 539; 1 Cal. App. 300; 2 Cal. App. 573.

CHAPTER VII.

IMPORTANT CALIFORNIA STATUTES RELATING TO ELECTIONS.

DIRECT PRIMARY LAW.

An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act.

[Approved June 16, 1913.]

The people of the State of California do enact as follows:

Definition.

Section 1. Words and phrases where used in this act shall, unless such construction be inconsistent with the context, be construed as follows:

1. The words "primary election," any and every primary nominating election provided for by this act.

2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election or to elect members of a party central committee or delegates to a party convention.

3. The words "May presidential primary election" any such primary election, held in May of each year of the general November election at

which electors of president and vice president of the United States are to be chosen, as shall provide for the indication of preference in the several political parties for party candidates for president of the United States through the election of delegates to national party conventions.

4. The word "election," a general state, county, city or city and county election as distinguished from a primary election.

5. The words "November election," either the presidential election, or the general state, county, or city and county election held in November of each even numbered year.

6. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the legislature may establish in any county, township, incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers.

7. The words "school officer," the superintendent of public instruction and the superintendent of schools of a county or city and county; and the words "school office," the office filled by any of the above school officers.

8. The words "county officer," any officer elected within the boundaries of any county or city and county, except a member of the state senate or assembly or a member of the house of representatives of the congress of the United States or a member of any party county central committee or delegate to a state convention from a hold-over senatorial district; and the words "county office," the office filled by any county officer. The words "township officer," any such county officer as is elected within the boundaries of any judicial township that is now or may be hereafter provided by law; and the words "township office," the office filled by any township officer.

9. The word or words "political party," "party," "political organization," or "organiza-

tion,'' a political party or organization of electors which has qualified, as hereinafter provided, for participation in any primary election; and such party or organization shall be deemed to have so qualified when any one or more of the three following conditions have been complied with:

a. If at the last preceding November election there was polled for any one of its candidates who was the candidate of such party only for any office voted on throughout the state, at least three per cent of the entire vote of the state, or for any one of its candidates who was the joint candidate of such party and any other party for any office voted on throughout the state, at least six per cent of the entire vote of the state; or

b. If on or before a date which shall be the fiftieth day before any primary election, there shall have registered within the state, as intending to affiliate with such party or organization as shall have been designated in their affidavits of registration, qualified electors equal in number to at least three per cent of the total number of electors registered throughout the state for the last preceding November election; the number of such registered qualified electors to be determined by the secretary of state from the statements transmitted to him as required by subdivision 1 of section 4 of this act; or

c. If on or before a date which shall be the fiftieth day before any primary election, there shall be filed with the secretary of state a petition signed by registered qualified electors of the state, whether registered as intending to affiliate with any political party or not, equal in number to at least three per cent of the entire vote of the state at the last preceding November election, declaring that they represent a political party or organization the name of which shall be stated therein, which party said electors desire to have participate in such primary election; such petition to be circulated, signed, and the signatures thereon of the registered electors certified to and transmitted to the secretary of

state by the county clerks substantially as provided in section 5 of this act, for the circulation, signing, certification, and transmission of nomination papers for state officers; providing, however, that no electors or organization of electors shall assume a party name or designation which shall be so similar to the name of an existing party or organization as to mislead voters.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof.

In each county and city and county in this state, having a registrar of voters or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon a county clerk and his deputies, and other officers in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, or registrar of voters or his deputies and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this statute to be made to county clerks, shall be filed with the registrar of voters.

Nominations—How Made.

Sec. 2. All candidates nominated at a primary election for elective public offices shall be nominated by direct vote at such election held in accordance with the provisions of this act; provided, that electors of president and vice-president of the United States shall be nominated as provided in subdivision 2 of section 24 of this act. Party candidates for the office of United States senator shall have their names placed on the official primary election ballots of their respective parties and shall be in all respects nominated in the manner herein provided for state officers. This act shall not apply to special elections to fill vacancies; nor to the nomi-

nation of officers of municipalities, counties, or cities and counties whose charters provide a system for nominating candidates for such officers; nor the nomination of officers for any district not formed for municipal purposes; nor to the nomination of freeholders to be elected for the purpose of framing a charter; nor to the nomination of officers for cities of the sixth class; nor to the nomination of school district officers.

Primary—When Held.

Sec. 3. The August primary election shall be held at the legally designated polling places in each precinct on the last Tuesday in August, for the nomination of all candidates to be voted for at the ensuing November election. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section 10 of the Political Code. Any person entitled to vote at such August or May primary elections shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. Any primary election other than the August primary election, or May presidential primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held. Secretary of State shall send out Notices of Offices to be filled.

Publication of Notice.

Sec. 4. 1. On the first Monday in February, on the Monday which is the fiftieth day before the first Tuesday in May, on the first Monday in June, and on the Monday which is the fiftieth day before the last Tuesday in August, in each even numbered

year, the county clerk or registrar of voters of each county or city and county shall transmit a statement to the secretary of state of the total number of electors registered in his county since the first day of January next preceding, together with the number so registered under each of the several political affiliations, and also the number declining or failing to declare such affiliation. At least forty days before the time of holding the August primary election in 1914 and biennially thereafter, the secretary of state shall prepare and transmit to each county clerk and to the registrar of voters in any city and county a notice in writing designating the offices for which candidates are to be nominated at such primary election, together with the names of the political parties qualified to participate in such election.

2. Within ten days after receipt of such notice such county clerk or registrar of voters in any city and county shall publish once in each week for two successive weeks in not more than two newspapers published in such county or city and county so much thereof as may be applicable to his county, including a statement of the number of members of the county central committee to be elected by each political party in each supervisorial or assembly district, as the case may be, according to the provisions of subdivision 4 of section 24 of this act.

3. In the case of August primary elections for the nomination of candidates for city or city and county officers to be voted for at the November election in the odd numbered years, the city clerk or secretary of the legislative body in any such city or the registrar of voters in any such city and county shall cause the publication of notice of such primary election, together with a complete statement of the offices for which candidates are to be nominated, once in each week for two successive weeks in not more than two newspapers of general circulation published in such city or city and county, the last publication to be made not more than forty and not

less than fourteen days before such primary election.

4. In the case of primary elections other than the August primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication to be not more than forty and not less than fourteen days before such primary election.

Nomination Papers—Verification Deputies.

Sec. 5. 1. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least forty days prior to the primary election, if the candidate is to be voted for at the August primary election or the May presidential primary election, and at least twenty days prior to the primary election, if the candidate is to be voted for at a primary election other than the August or May primary election, a nomination paper shall have been filed in his behalf as hereinafter provided by this act.

2. a. The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside in securing signatures to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk of the county or city and county in which such verification deputies reside, at or before the time the nomination paper of the candidate is left with the county clerk for filing or for examination as provided in subdivision 4 of this section. Said document shall be in substantially the following form:

I, the undersigned, a candidate for the .... party

nomination for the office of ...., which nomination is to be made by direct vote at a primary election to be held on the .... day of August, 19...., do hereby appoint the following registered qualified electors of the county of ...., as verification deputies to obtain signatures in said county to a nomination paper placing me in nomination as a candidate of said .... party for said office of .....

VERIFICATION DEPUTIES.

Names.	Residence.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
etc.	etc.

(Signature)..... .....

(Residence)..... .....

Filed in the office of the county clerk of .... county this .... day of ...., 19....

....., County Clerk.
By ....., Deputy.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a judicial office, school office, county office, or township office, the words "..... party", and the words "of said .... party," shall be omitted from said document. Or, as an alternative to the foregoing portion of this section and subdivision, verification deputies may be appointed in behalf of a candidate as follows:

b. Any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate of such party for nomination to any office to be voted on in such county or city

and county at the next ensuing primary election, and in appointing verification deputies to serve within such county or city and county in securing signatures to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five of the registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The signatures of the said five qualified electors shall be verified free of charge before any officer authorized to administer an oath, and the document containing such signatures shall be filed with the county clerk of the county or city and county in which said five qualified electors reside, at or before the time the nomination paper of the candidate is left with the county clerk or registrar of voters for filing or for examination as provided in subdivision 4 of this section. In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office, and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. Said document shall be substantially in the following form:

State of California, } ss.
County of ..... }

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of ....., State of California, and that we are each registered as intending to affiliate with the ..... party; and we do hereby propose ....., who resides (at No. ..... street in the city

of) or (in the town of ....., county of ....., as a candidate for the nomination of such party for the office of ....., to be voted for at the primary election to be held on the ..... day of August, 19....; and we do solemnly swear (or affirm) that said ..... has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in this county to the nomination paper of said ..... to said office of .....

Verification Deputies.

Names.	Residence.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
etc.	etc.

(Signed)

Names.	Residence.
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

Subscribed and sworn to before me this ..... day of ....., 19.....

(Seal) .....

Notary public (or other official).

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of said candidate, one or more similar documents may be filed, to supplement the first document. When the office for which the candidate is proposed is a judicial office, school office, county office, or township office, the provisions of this sub-

division shall apply, except that the five qualified electors shall make no statement of their party affiliation and may be affiliated with different parties or with no party; and the candidate proposed for nomination shall not be so proposed as the candidate of any party.

3. Verification deputies appointed as provided in subdivision 2 of this section to obtain signatures to the nomination paper of any candidate for any office to be voted for at any primary election, may, at any time not more than seventy days nor less than forty days prior to such election, obtain signatures to such nomination paper of such candidate for such office. Each signer of a nomination paper shall sign but one such paper for the same office; provided, that prior to primary elections other than August primary elections or May presidential primary elections, signatures may be obtained not more than forty nor less than twenty days prior to such election. He shall also declare his intention to support such candidate for nomination, and shall add his place of residence, giving his street and number if any. His election precinct shall also appear on the paper just preceding his name, and the date of his signature shall appear at the end of the line just after his residence. Any nomination paper may be presented in sections, but each section shall contain the name of the candidate and the name of the office for which he is proposed for nomination. Each section shall bear the name of the city or town, if any, and also the name of the county or city and county, in which it is circulated, and only qualified electors of such county or city and county, registered as intending to affiliate with the political party in which the nomination is being made, shall be competent to sign such section. Any section circulated within any incorporated city or town shall be signed only by registered qualified electors of such city or town. Each section shall be prepared with the lines for signatures numbered, and shall have attached thereto the affidavit of the verification deputy who has obtained signatures to the

same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any verification deputy obtaining signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such nomination paper so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are registered qualified electors, unless and until it is otherwise proven by comparison of such signatures with the affidavits of registration in the office of the county clerk or registrar of voters. Each section of the nomination paper, after being verified, shall be returned by the verification deputy who circulated it to one of the five electors by whom the said verification deputy was appointed; and in this manner all the sections circulated in any county shall be collected by said five electors of that county and shall be by them arranged for filing or for examination, as provided in subdivision 4 of this section. In case said verification deputy was appointed directly by the candidate according to the provisions of subdivision 2 (a) of this section, the collecting and arranging of the sections of the nomination paper shall be done by the candidate instead of by the "five electors" as hereinbefore provided. Each section of the nomination paper shall be in substance as follows:

County of .... city (or town) of .... (if any).
Nomination paper of ...., candidate for .... party nomination for the office of .....

State of California, }
County of..... } ss.

Signer's Statement.

I, undersigned, am a qualified elector of the city (or town) of ...., county of ...., State of Cali-

fornia; and am registered as intending to affiliate with the .... party; and I hereby nominate .... who resides at No. .... street, city of ...., county of ...., State of California, as a candidate for the nomination of such party for the office of .... to be voted for at the primary election to be held on the .... day of August, 19... I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

No.	Precinct	Signature	Residence	Date
1				
2				
3				
4				
5				
Etc.				

Verification Deputy's Affidavit.

I, ..., solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision 2, section 5, of the direct primary law, as a verification deputy to secure signatures in the county of .... to the nomination paper of .... as candidate for the nomination of the .... party for the office of ....; that all the signatures on this section of said nomination paper, numbered from 1 to .... inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) .....
Verification Deputy.

Subscribed and sworn to before me this .... day of ...., 19...

(Seal) .....
Notary Public (or other official).

In the case of a nomination paper for any candidate for a judicial office, school office, county office, or township office, the provisions of this subdivision shall apply, except that no such nomination paper nor any section thereof shall contain the name of any political party, of any signer thereto, nor shall the candidate be referred to as a candidate for the nomination of any party; and any nomination paper for any candidate for a judicial office, school office, county office, or township office may be signed by any registered qualified elector of the county or city and county, whether registered as being affiliated with any, or with no, political party.

4. Prior to the filing of a nomination paper for any candidate, the sections thereof must be numbered in order and fastened together by cities or towns or portions of the county not included in such cities or towns, substantially in the manner required for the binding of affidavits of registration by the provisions of section 1113 of the Political Code; provided, that the sections of the nomination paper shall be preceded by an index of precincts, arranged by cities, towns or outside territory in the numerical or alphabetical order of such precincts for each such city, town or outside territory and showing after the name or number of such precinct the numbers of the section pages on which the names of the electors registered in such precinct are to be found, and after the number of each page, the number (in parenthesis) of times such names are to be so found on such section page. Such index shall be substantially the following form:

CITY OF----------

No. of Precinct	Numbers of Section Pages Containing Voters of Precinct
----------	1 (3 times) 2 (5 times) 3 (7 times) etc.
----------	1 (4 times) 2 (0 times) 3 (6 times) etc.
etc. ---------	etc.

TOWN OF.....

etc.

etc.

And provided, further, that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound up together. The county clerk of any county or registrar of voters of any city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard and mark "not sufficient" any name appearing on such paper or papers which does not appear in the same handwriting on an affidavit of registration in his office, or which (except in the case of nomination papers of candidates, for judicial, school, county, or township offices the signers of which may be registered as of any or no party) does not appear on said affidavit as intending to affiliate with the party named in such nomination papers. Such officer shall affix to all nomination papers a certificate reciting that he has examined the same and stating the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the August primary election or the May presidential primary election, and shall, with such certificate of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by

any of the deputies in the office of such county clerk or registrar of voters, nor within one hundred feet of any election booth, polling place, or any place where registration of electors is being conducted. Each candidate on or before the thirty-fifth day prior to the August primary election or the May presidential primary election, shall file in the place where his nomination paper is required to be filed, as provided in section 6 of this act, his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of the office for which he desires to be a candidate; and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision 5 of section 6 of this act. Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political party for the same office upon complying with the requirements of this act, but no person shall be entitled to become a candidate for more than one office at the same election.

5. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed as follows: If the candidate is the candidate for an office to be voted on throughout the state, by not less than one half of one per centum and not more than two per centum of the vote or registration constituting the basis of percentage as defined in subdivision 6 of this section of the party of the candidate seeking nomination, within the state; if the candidate is the candidate for an office to be voted on in some political subdivision of the state, but not throughout the state, by not less than one per centum nor more than two per centum of the vote or registration constituting the basis of percentage, as defined in subdivision 6 of this section, of the party of the candidate seeking nomination

within said political subdivision in which such candidate seeks nomination.

6. Except in case of a candidate for nomination to a judicial office, school office, county office, or township office, the basis of percentage in each case shall be the highest vote polled by the party for any such candidate as may have been the candidate of such party only, at the preceding general election, or, if there was no candidate who was the candidate of such party only, the basis of percentage shall be the lowest vote received by any candidate who was the joint candidate of such party and of one or more other parties; and if the candidate is the candidate of a party which had no candidate at the preceding general election, then the basis of percentage shall be upon the number of qualified electors who, on or before the fiftieth day prior to the primary election, shall in registering have declared their intention to affiliate with such party. Every political party qualified to participate in the primary election by the provisions of subdivision 8 of section 1 of this act, whose membership or members shall comply with the provisions of this act by filing nomination papers for one or more candidates, shall be entitled to a separate party ticket at the primary election; but all such party tickets must be alike in the designation of candidates for judicial, school, county, and township offices.

7. Whenever by rearrangement of political subdivisions of the state by any legislature, board of supervisors or other legislative body, the boundaries of such political subdivisions are changed, the highest vote polled by each party in each of the new political subdivisions shall be determined as follows: If the change occurs wholly within any county or city and county, the county clerk or registrar of voters of such county or city and county shall determine as nearly as possible the highest vote of each party in the new political subdivision by adding together for each party the highest vote in each of the former precincts which now are combined to make up such new political subdivision.

If the change occurs outside the limits of any county or city and county, the secretary of state shall determine the highest vote of each party in such new political subdivision by adding together for each party the highest vote in the counties which now are combined to make up such new political subdivision. In the same way that the highest vote for each party in each new political subdivision is ascertained, shall also be ascertained the total vote of all parties, as is required to be known by the provisions of subdivision 9 of this section.

8. Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1188 of the Political Code, as said section was enacted at the fortieth session of the legislature of the State of California; except that a candidate who has filed nomination papers as one of the candidates for nomination to any office on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination to the same office at the ensuing general election, either as an independent candidate or as the candidate of any other party, and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of section 1188 of the Political Code, unless at such primary election he shall have received for such office votes equal in number to the minimum number of nomination papers which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office.

9. In the case of a candidate for nomination to a judicial office, school office, county office, or town-

ship office, nomination papers shall be signed by not less than one-half of one per centum, nor more than two per centum of the total vote cast by all political parties at the last election in the state or political subdivision thereof in which such candidate for judicial or school, county, or township office seeks nomination.

10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the name of the office, the party, if any, and the time of filing.

Nomination Papers—Filing Of.

Sec. 6. All nomination papers provided for by this act shall be filed as follows:

1. For state officers, United States senators, representatives in congress, members of the state senate and assembly, delegates to state conventions from "hold-over senatorial districts" and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, delegates to state conventions from "hold-over senatorial districts" and members of the state senate and assembly, in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain a number of signatures equal to two per centum of the vote constituting the basis of percentage as provided in subdivisions 5, 6 and 9 of section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further sections of the nomination paper for the candidate named therein.

5. No more signatures shall be secured for any candidate than a number equal to three per centum of the vote constituting the basis of percentage as

provided in subdivisions 5, 6, and 9 of section 5 of this act; provided, that if, through miscalculation or otherwise, more signatures are secured than the said three per centum, all sections of the nomination paper containing signatures in excess of said three per centum must be sent to the candidate; and before any nomination paper is filed as provided in this section, the candidate must notify each signer of such excess sections that his name has not been used; and in the affidavit required to be filed in subdivision 4 of section 5 of this act, affiant must state whether he has complied with the provisions contained in subdivision 5 of section 6 of this act.

Fees for Filing.

Sec. 7. 1. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk or registrar of voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk or registrar of voters.

5. A filing fee of ten dollars shall be paid to the city clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office to the

holder of which no compensation is required to be paid, or for township offices the compensation to the holder of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state, county clerk, registrar of voters, or city clerk, receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

8. When a person is nominated for an office by reason of his name having been written on a ballot that has been voted at any primary election provided for by this act, he must pay the same filing fee provided for the same office to the same officer as would have been required if nomination papers had been filed to place his name on the primary ballot; otherwise his name must not be printed on the ballot at the ensuing general election; provided, he is not the nominee of another party for the same office.

Fees—Disposal Of.

Sec. 8. The county clerk shall immediately pay to the county treasurer and the registrar of voters in any city and county shall immediately pay to the city and county treasurer all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates. Within ten days after the primary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Expenses—How Paid.

Sec. 9. The expense of providing all ballots, blanks and other supplies to be used at any pri-

mary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

Certified List of Candidates—Publication Of.

Sec. 10. At least thirty days before any August primary election preceding a November election or before any May presidential primary election the secretary of state shall transmit to each county clerk or registrar of voters in any city and county a certified list containing the name and postoffice address of each person for whom nomination papers have been filed in the office of such secretary of state, including the candidate for delegate to a state convention, if any, from a "hold-over senatorial district" and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and except in the case of a judicial office, or a school office of the party or principle he represents. Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office (except a judicial office or a school office) which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the names of all candidates for the county central committee, filed in the office of the county clerk or registrar of voters. He shall also publish the title of each judicial office, school office, county office, and township office, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk or registrar of

voters, and shall state that candidates for said judicial, school, county, and township offices may be voted for at the primary election, by any registered, qualified elector of the county, whether registered as intending to affiliate with any political party or not. He shall also publish the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be the duty of the county clerk or registrar of voters in any city and county to cause such publication to be made once each week for two successive weeks prior to said primary election.

Publications—Where Made.

Sec. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county or city and county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act cannot be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

Ballots—Form of—Instructions to Voters.

Sec. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color for each of the political parties participating in the primary election. There

shall also be printed and provided a non-partisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the non-partisan ballots shall, at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a non-partisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate.

It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May presidential primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election, except as provided in subdivision 5 of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly

subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

3. Across the top of the ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "Official primary election ballot;" providing, that on a non-partisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "Non-partisan ballot." The instructions to voters shall be printed in ten point gothic type. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official primary election ballot" shall be printed thereon in heavy faced gothic capital type, not smaller than twenty-four point. The party or non-partisan designation shall be printed in heavy faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

4. At least three-eighths of an inch below the assembly district designation and the date of the primary election shall be printed in ten point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name occurs on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose."

the names of candidates for such office shall be placed upon the ballot in alphabetical order.

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "Vote for one" or "Vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for one" or "Vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

10. The names of the candidates shall be printed on the ballot without indentation, in Roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or

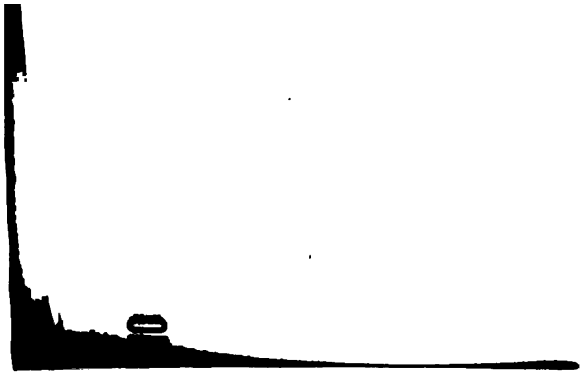
be printed all the names of candidates for judicial offices, in the order of chief justice supreme court, associate justices supreme court, judge of district court of appeals, judge of superior court and justice of the peace. Next, under the heading School shall be printed all the names of candidates for school offices in the order of state superintendent of instruction, superintendent of schools, and school district officers, if any. Next, under the heading County and Township shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The non-partisan ballot provided for in subdivision one of this section shall be identical as to offices and names of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.

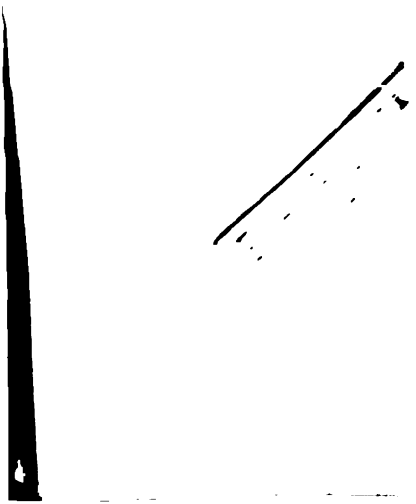
6. The group of names of candidates for nomination to any judicial office, school office, county office, or township office shall include all the names receiving the requisite number of signatures on a nomination paper for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election; but the groups of names of candidates for all other offices on the ballots of each

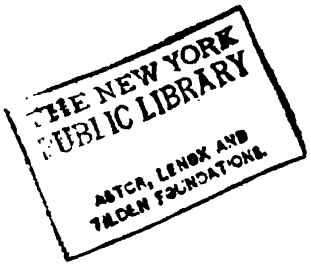
shall be printed in substantially the following form:

Sample Ballots—Distribution Of, Official.

Sec. 13. At least twenty days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, and a separate sample non-partisan ballot, placing thereon in each case in the order provided in subdivision [redacted] section 12 of this act, and under the appr[redacted] title of each office, the names of all candida whom nomination papers have been duly file him, or have been certified to him by the se of state, to be voted for at the primary e in his county or city and county. Such s ballots shall be printed on paper of a differen ture from the paper to be used on the officia lot, and one sample ballot of the party to whic voter belongs as evidenced by his registration be mailed to each such voter entitled to vo such August primary election or May preside primary election, as the case may be, not than ten nor less than five days before the elec Not more than ten nor less than five days b the August primary election a non-partisan sa ballot printed on paper of a different texture the paper to be used on the official ballot shal mailed to each registered qualified elector wh not registered as intending to affiliate with an the parties participating in said primary elect Such clerk or registrar of voters shall forthw submit the ticket of each political party to chairman of the county committee of such pa and shall mail a copy to each candidate for wh nomination papers have been filed with him whose name has been certified to him by the secr tary of state, to the postoffice address as given such nomination paper or certification, and he sha post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the



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county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections; provided, that the number of party ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct as intending to affiliate with such party, and the number of non-partisan ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct without statement of intention to affiliate with any of the parties participating in the primary election. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices.

Opening and Closing of Polls.

Sec. 14. The polls must be open at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; provided, however, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or inter-

mission shall be taken except as provided in the case of general elections.

Election Officers—Duties and Compensation.

Sec. 15. The officers for primary elections shall be the same, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Challenge.

Sec. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in section 1096 of the Political Code, or his right to vote the non-partisan primary ticket providing no such party is so designated, shall not be challenged on any ground or subjected to any tests other than those provided by the Constitution and section 1230 of the Political Code of this state.

Who May Vote—Elector To Be Instructed.

Sec. 17. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by section 1096 of the Political

Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this state, receive the official primary election ballot of the political party designated in his affidavit of registration; (or the non-partisan ballot, providing no such party was so designated), and no other; provided, however, that no one shall be entitled to vote at any primary election who has not been a resident of the state one year, and of the county ninety days, preceding the day upon which such primary election is held. He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Ballots—How Marked.

Sec. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

Ballots—How Folded.

Sec. 19. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to the member

of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the register as having voted.

No Adjournment or Intermission.

Sec. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; provided, that no more than one member of the board shall at any time be absent from the polling place.

Canvass of Votes.

Sec. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 of the Political Code of this state; provided, however, that the ballots of each party must be sealed and returned in separate envelopes, and the non-partisan ballots must be sealed and returned in another separate envelope. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on the tally lists; and count all the votes on all the ballots, both party and non-partisan, for the candidates for judicial, school, county, and

township offices, and record the same on the tally lists.

Official Canvass of Returns—Statement of Result.

Sec. 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for each candidate for each judicial, school, county, or township office, for each candidate for delegate, if any, to a state convention from a hold-over senatorial district, and for each candidate for membership in the county central committee; and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be. The clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk or registrar of voters in any city and county shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress, judicial officers, except justices of the peace, delegate, if any, to a state convention from a hold-

over senatorial district, and as to all persons voted for at the May presidential primary election. The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county, city and county, or other political subdivision in which such primary election was held. The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for United States senator and for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in congress and judicial offices, except justices of the peace, delegate, if any, to a state convention from a hold-over senatorial district, and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

Certificates of Nomination To Be Issued—Returns For U. S. Senator to Be Compiled.

Sec. 23. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, the person receiving the highest number of votes, at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; provided, he has paid the filing fee required by subdivision 8 of section 7 of this act. The name of the person in each political party who receives at a primary election the highest number of votes for United States senator shall also be placed on the official ballot under the head-

ing "United States Senator." In the case of a judicial office, school office, county office, or township office, the candidates equal in number to twice the number to be elected to such office, or less, if so there be, who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; provided, however, that in case there is but one person to be elected at the November election to a judicial office, school office, county office, or township office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office at the ensuing election. Of the candidates for election to membership in the county central committee, the candidates equal in number to the number to be elected receiving the highest number of votes in their supervisorial district or assembly district, as the case may be in accordance with the provisions of subdivision 4 of section 24 of this act, shall be declared elected as the representatives of their district to membership in such committee. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to such delegate a certificate of his election; and to cause to be issued official certificates of nomination to such candidates for judicial, school, county, or township office as may be entitled thereto under the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated

under the provisions of this act for representatives in congress, members of the state senate and assembly and officers voted for in more than one county; and to issue certificates of election to all persons elected at the May presidential primary election as delegates to their respective national party conventions, and to notify each of said delegates of the total vote received by each of the persons voted for in his party at said election, under the heading "For presidential nominee." Not less than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county and city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 22 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated. The secretary of state shall also certify to the county clerk or registrar of voters the names of those persons who have received in their respective parties the highest number of votes for United States senator.

Party Conventions—How May Be Called and Held.

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

2. The candidates of each political party for state officers, if any, except judicial and school officers, and such candidates for senate and assembly as

have been nominated by such political party at the primary election, and in whose behalf nomination papers have been filed, together with one delegate chosen by such political party from each senatorial district represented by a hold-over senator, shall meet in a state convention at the state capitol at two o'clock in the afternoon of the third Tuesday in September after the date on which any primary election is held preliminary to the general November election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following Thursday. They shall also proceed to elect a state central committee to consist of at least three (3) members from each congressional district, who shall hold office until a new state central committee shall have been selected. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Membership in the state convention shall not be granted to a party nominee for a state office or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; and, in every such case, a vacancy shall be deemed to exist; and any vacancy thereby existing or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. In any senatorial district represented by a hold-over senator there shall be

chosen at such primary election by the electors of every political party one delegate to the state convention, who shall have nomination papers circulated in his behalf, shall have his name placed upon the ballot, and shall be chosen in the same manner as a state senator is nominated from any senatorial district; but no such delegate shall be disqualified by reason of holding any office, nor shall any filing fee be required in order to have his name placed upon the ballot. The term "hold-over senator" as herein used shall apply to a state senator whose term of office extends beyond the first Monday in January of the year next ensuing after the primary election, and the term "hold-over senatorial district" shall apply to the district represented by such hold-over senator.

In the event that there shall not have been filed any nomination paper for a candidate for any state office or office of senator or assemblyman by the electors of any political party, the vacancy thus created in the state convention of such party shall be filled as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly selected chairman of the several newly elected county central committees of such party in such counties.

(c) If the vacancy occurs in a state office, by appointment by the state central committee of such party.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the appointing committee, or by the appointing chairmen of the several committees, as the case may be.

3. Each state central committee may select an executive committee, to which executive committee

it may grant all or any portion of its powers and duties. It shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

4. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by such state central committee. In all counties or cities and counties containing five or more assembly districts the county central committee shall be elected by assembly districts and shall consist of one member for each one thousand electors or fraction thereof in each such assembly district registered as belonging to the political party with which such electors are affiliated as shown by the register of voters of such county or city and county on the first Monday of June next preceding said primary election. In all counties containing less than five assembly districts the county central committee shall be elected by supervisorial districts, and the number to be elected from any supervisorial district shall be determined as follows: the number of electors registered in any supervisorial district as intending to affiliate with any political party shall be divided by one-twentieth of the number of electors registered in the entire county as intending to affiliate with said party, as such registration exists, in each case, on the first Monday of June next preceding the primary election; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisorial district. The county

clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, complete the number of members of the county central committee allotted to each assembly district or supervisorial district, as the case may be, by the provisions of this subdivision. Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section 5 of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the number of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected. Each county central committee shall meet in the court house at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

Vacancies—How Filled.

Sec. 25. In case as a result of any primary election a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on the primary election ballot, he may at least thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the county clerk of the county in which he resides, and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision 8 of section

5 of this act shall not be filled. In all other cases vacancies occurring after the holding of any primary election may be filled by the party committee of the city, county, city and county, or state, as the case may be, unless such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a judicial, school, county, or township office according to the provisions of section 23 of this act, in which case that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot according to the provisions of said section 23, shall go upon said ballot to fill said vacancy.

Tie Vote.

Sec. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Errors and Omissions.

Sec. 27. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election,

county clerk, registrar of voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Contest—Procedure On.

Sec. 28. Any candidate at a primary election, desiring to contest a nomination of another candidate for the same office, may, within five days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "Notice of primary election contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such

contest, and all candidates at any such primary election are permitted to be candidates under this act, upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. Within two days after the expiration of the time for filing such affidavits the county clerk shall present all such affidavits and proof of posting as aforesaid to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the court by the county clerk, as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the contestee in any other manner than by answer, and all the objections of the contestee

must be contained in his answer in the contest. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the primary election, and the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judges so designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or depart-

ment, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons and require the payment each day in advance, of the amount thereof by the person who is proceeding with and requiring the recount. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section 27 of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to be made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith.

Legal Expenses of Candidate.

Sec. 29. No candidate for nomination to any elective office, including that of United States senator in congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or

promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, circulating, and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

Verified Statement of Candidate.

Sec. 30. Every person who shall be a candidate for nomination to any elective office, including that of United States senator in congress, shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his election, together with the name of the person or persons from whom

such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his election, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed, and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer herein specified for the filing of such statements or a copy thereof.

Violation—Penalty.

Sec. 31. Any person violating any of the provisions of section 29 or section 30 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Bribery—Failure to File Nomination Papers.

Sec. 32. 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether

such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

Forms Shall Be Prepared.

Sec. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before August 1, 1913, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Name of Act.

Sec. 34. This act shall be known as the direct primary law.

Validity of Act.

Sec. 35. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Conflicting Acts Repealed.

Sec. 36. The act approved April 7, 1911, known as the direct primary law, and also the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, are hereby repealed; and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

PRESIDENTIAL PRIMARY ACT.

An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for president of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this act.

[Approved December 24, 1911.]

The people of the State of California do enact as follows:

Sec. 1. On Tuesday, May 14th, 1912, and on the second Tuesday in May of every fourth year thereafter there shall be held a primary nominating election, to be known as the May presidential primary election, at which the qualified electors of the several political parties shall have opportunity, on separate party ballots provided for that purpose, to

express their preference as to the nominees of their respective parties for president of the United States, and also to elect the delegates of their respective parties to their respective national conventions for the nomination of their party candidates for president and vice-president of the United States.

Sec. 2. The names of the candidates for nomination as president of the United States shall be printed upon the ballots, upon the filing of the nomination papers substantially as provided in section 5 of the act entitled "An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, and to repeal an act entitled an act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary election for United States senator, approved March 24, 1909," approved April 7, 1911, said act being also known and hereinafter referred to in this act as the "direct primary law"; provided, that nomination papers for each of said candidates must be signed by not less than one per centum of the voters of his party in each congressional district of the state; and further provided, that no candidate for nomination for president need sign or file any petition, affidavit, declaration, statement or paper of any kind to get his name upon the ballot, but that in the event that any person who is presented as a candidate for nomination for president by the filing of nomination papers as herein provided for, shall, on or before the thirty-fifth day before the date of the presidential primary election, announce by an affidavit, declaration, or statement filed in the office of the secretary of state, that he is not a candidate for nomination for president, and that he does not wish his name to be printed upon the ballot for said election, the said secretary of state shall not certify or transmit the name of such candidate to the respective county clerks or registrars of voters, and such name shall not be printed

upon the ballots, and provided, also, that verification deputies may be designated by any party supporter of any candidate for president, and the name of such supporter, followed by the words "a party supporter of" shall precede the name of the candidate in the form of affidavit for verification deputies provided for in said section 5 of said "direct primary law." The names of the several candidates for nomination for president together with the blank space for writing the name of such candidate, and the headings for the same shall appear at the top and center of the ballot immediately below the instructions to voters, and shall be printed in heavy face, eight point, capital type. The order in which the names of the candidates for presidential nominee shall be printed upon the ballot, shall be the order in which the nomination papers of such candidates are filed with the secretary of state and such names shall be printed one after the other in a horizontal line, each name being followed by a voting square, the space for the name and voting square together being headed by the words "For Presidential Nominee," printed in heavy face ten point gothic type, and occupying no less than two and one-half inches of horizontal space. This space shall be left blank above the "No Preference Column" provided for in section 5 of this act. Below the words "For Presidential Nominee" heading the blank space hereinbefore provided for, shall be the words "Blank Space" in six point gothic type. Above the words and spaces herein described shall be printed in heavy face twelve point gothic type the words "Vote for One as Your Choice for Presidential Nominee."

Sec. 3. The chairman of the state central committee of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of state on or before the first day of March of each bissextile or leap year as to the number of delegates to represent the state in the next national convention of his said party. If the state chairmen, or any of them, fail

to file such notice, it shall be the duty of the secretary of state to ascertain the said number of delegates from the call for said national convention issued by the national committee of each party whose chairman has failed to notify him as aforesaid.

The delegates who shall represent each political party at its national convention shall all be elected by the voters of the state at large. The secretary of state shall, on or before the tenth day of March of the year of the May presidential primary election, certify to the county clerk or registrar of voters of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the May presidential primary election which is qualified to participate in the September primary election according to the provisions of the "direct primary law."

Sec. 4. The names of persons to be voted upon as delegates to the respective national conventions of the several political parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially in the form provided in section 5 of the "direct primary law"; provided, that, in the case of each party, nomination papers for candidates for delegates must be signed by not less than one per centum of the voters of said party in each congressional district of the state; and provided, also, that whenever a number of candidates for delegates join together in appointing the same verification deputies, and in filing statements with the secretary of state, as hereinafter provided in this section, setting forth that said candidates for delegates prefer the same person as candidate for presidential nominee, there may be filed upon the same nomination paper the names of as great a number of candidates for delegates from any party as the total number of delegates to be elected by said party, and no more than

such number; and provided, further, that when the number of names of candidates printed upon the same nomination paper exceeds the number of congressional districts in the state, but is less than twice the number of such districts, the names of such candidates thus grouped together shall be so selected that not more than three and not less than one of such candidates shall reside in any one congressional district, and that when the number of names of candidates printed upon the same nomination paper exceeds twice the number of congressional districts in the state, the names of such candidates thus grouped together shall be so selected that not more than four and not less than two of such candidates shall reside in any one congressional district; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; provided, that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a state political organization created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or of the organization supporting him, to be filed with the secretary of state. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; and further provided, that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of that group which has received the endorsement as herein recited; provided, that one

of the groups in which his name occurs has received such endorsement.

Each candidate for election as delegate to his national party convention must file with the secretary of state not later than the time of filing of the nomination papers containing his name, an affidavit substantially as provided in section 5 of the "direct primary law," and may also include with his affidavit the statement "I personally prefer ———— as the nominee of my party for president of the United States" (filling in the blank by inserting his choice for such nominee). But his failure to include such statement shall not be a valid ground on the part of the secretary of state for refusal to receive and file the nomination papers containing his name.

Sec. 5. The names of the candidates for delegate in any political party shall be arranged upon the ballots of such party in parallel columns each column standing directly underneath the space headed by the words, "For Presidential Nominee", and the various candidates for delegate appearing in these columns as determined by their preference for president, according to the provisions of section 4 of this act. The lefthand column shall be headed in heavy face, ten point, gothic type, "Candidate Preferring ————" (the blank being filled out by the surname of the first candidate for presidential nominee on the ballot, as determined by section 2 of this act). The second column shall be similarly headed, except that the surname of the candidate for presidential nominee shall be for the name second in the list of candidates for presidential nominee, and so on for as many candidates for presidential nominee as are printed at the top of the ballot in the list of such candidates. To the right of the last column headed by the surname of a candidate for presidential nominee shall be a column headed "No Preference Column," in which shall appear the names of all candidates for delegate who have expressed no preference for presidential

nominee, or who have expressed a preference for a candidate for presidential nominee other than the candidate for presidential nominee printed at the top of the ballot. Above this "No Preference Column," neither the words "For Presidential Nominee," nor the space for the name of such nominee shall appear. To the right of this last column shall be a column headed "Blank Column," which shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case that there are no names of candidates for delegate to be placed in a "No Preference Column," such "No Preference Column" shall be omitted from the ballot, and the "Blank Column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee. In the event that two or more candidates for presidential nominee whose names are printed upon the same ballot have the same surname, the distinguishing names or initials of such candidates shall be prefixed to their respective surnames on said ballot, following the words "Candidates Preferring."

The names of the various candidates for delegate shall be printed in eight point, roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face, eight point type. The order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of state; provided, that above the individual names in each column shall appear the group of names, if any, which has received the endorsement referred to in section 4 of this act.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a

light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

Sec. 6. Each candidate for election as delegate to his national party convention may include with his affidavit the statement hereinafter set forth in this section; but his failure to include such statement shall not be a valid ground on the part of the secretary of state for refusal to receive and file his nomination paper or papers.

Such statement, if any be made, shall be in substantially the following form:

DELEGATE'S STATEMENT.

I hereby declare to the voters of my political party in the State of California that if elected as delegate to their national party convention, I shall, to the best of my judgment and ability, support that candidate for president of the United States who shall have received the highest number of votes cast throughout the entire state by the voters of my party for said office, at the May presidential primary election.

.....,

Signature of candidate for delegate.

Sec. 7. The delegates to each national party convention elected at the May presidential primary election, shall, before leaving the state to attend the convention, meet together and select alternates

to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by the majority of the whole number of delegates who have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its national convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention in his place, and shall otherwise discharge the duties of said delegate.

Sec. 8. For purposes of the May presidential primary election, the original affidavits of registration and indexes used in the last general election in any county or city and county in this state may be used, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registrations, changes and corrections made since the registration for the last general election, completed to and including the thirty-first day prior to said May presidential primary election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to vote at such primary. Any person registered in accordance with the provisions of this section, and who has stated his political affiliation in accordance with section 1096 of the Political Code, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has declared himself affiliated. Any person qualified by the provisions of this section to vote at any May presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

Sec. 9. The ballot to be used at the May presidential primary election shall be prepared according to the provisions of sections 2, 4 and 5 of this

act, and also according to such provisions of section 12 of the "direct primary law" as are applicable to this act and not in conflict with its provisions; provided, that the words at the top of the ballot shall be "Official Presidential Primary Election Ballot," and that the instructions to voters shall be as follows: To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which cross shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. There shall be printed in heavy face, twelve point gothic type, across the page above the column of candidates for delegates, the words, "For Delegates to National Convention Vote for ————, either as individuals or by group, but do not vote for more than ————" (the blanks being filled in by the number of delegates to be elected by the political party concerned).

The ballot shall be printed substantially in the following form: (See folder inserted opposite.)

Sec. 10. Accompanying the sample ballot for the May presidential primary election mailed to the voters of each political party, there shall be included for such party a sheet with the following title in twenty-four point capital type, biographical sketches of presidential candidates. Under this heading there shall appear in twelve point capital type the name of each candidate of such party for nomination for president for whom a biographical sketch is furnished, and below such name shall be printed in ten point type the biography of such candidate in no more than three hundred words. The biographical sketch of each candidate for presidential

OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT

nomination shall be furnished by such candidate or by such state political organization created in support of his candidacy as shall not be repudiated by him in lacking authority to furnish such biographical sketch. Such biographical sketch shall be sent to the secretary of state, together with the sum of two hundred dollars to defray the cost of its publication, at least forty days prior to the date of the May presidential primary election, and it shall be printed at the state printing office and sent to the county clerks or registrars of voters to be mailed with the sample ballots as aforesaid. The biographical sketches of all the candidates for presidential nomination of any party who appear upon the ballot of such party, and none other, shall be printed upon the same sheet, and shall appear in the same order as they appear upon the ballot. The sheet mailed to the voters by the county clerks or registrars of voters shall be the one which contains the biographies of such candidates for presidential nomination as appear upon the ballots mailed to the voters in the same envelope and no other sheet shall be mailed. In the case of any political party for none of whose candidates any biographical sketch has been furnished, no sheet as hereinbefore provided shall be prepared or mailed.

Sec. 11. The provisions of the direct primary law as amended by the legislature of the State of California at its special session commencing on the twenty-fourth day of November, 1911, shall govern the May presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

Sec. 12. The first election under the provisions of this act is hereby called for, and shall be held throughout the State of California, on Tuesday, the fourteenth day of May, 1912. It shall be the duty of the secretary of state and the attorney general to prepare, on or before the first day of February, 1912, all forms necessary to carry out the provisions

of this act, which forms shall be substantially followed in all presidential primary elections held in pursuance hereof.

Sec. 13. This act shall be known as the Presidential Primary Act.

Sec. 14. This act, inasmuch as it calls an election and provides the procedure therefor, shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Sec. 15. All acts and parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

CONDUCT OF ELECTION CAMPAIGNS.

An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

[Approved March 19, 1907.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Itemized Statement to Be Filed by Candidate.

Section 1. Every candidate who is voted for at any public election held within the State shall, within fifteen days after the day of holding such election, file, as hereinafter provided, an itemized statement, showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all moneys contributed, loaned, or expended by him, directly or indirectly by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons

who paid, loaned, contributed or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed or loaned.

If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the State, or of any political division thereof greater than a county, and for members of the Senate and Assembly, Representative in Congress, or for Members of the State Board of Equalization, or State Board of Railroad Commissioners, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the Clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement of a committee or candidate shall be recorded in the office of the County Recorder, and shall, after being filed, become a public record, and open at all times to public inspection, and no fee or charge whatsoever shall be collected or made by any officer herein specified for filing or recording any statement required to be filed or recorded under the provisions of this act. [Amendment approved June 6, 1913.]

Vouchers must be filed for all expenditures, except in the case of sums under five dollars.

Committee—Duty of.

Sec. 2. Every committee organized for the purpose, or charged with the duty of conducting the election campaign of any political party, or of any candidate or candidates, shall appoint a treasurer, who shall receive and disburse all moneys contributed for such campaign purposes, and keep a true

account thereof, and shall, in the same manner as herein required of candidates, file an itemized statement of all money received or disbursed by him as such treasurer.

What Are Legitimate Expenses.

Sec. 3. No sum of money shall be paid and no expense incurred by or on behalf of any candidate or campaign committee as defined in Section 2 of this Act, or any body of superior authority, to which such committee is subject, if any, whether before, during or after an election, on account of or in respect of the conduct or management of such election, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating specimen ballots, handbills, cards, and other papers previous to such election, and of advertising and of postage, expressage, telegraphing and telephoning, and of supervising the registration of voters, and watching the polling or counting of votes cast at such election, and of salaries of persons employed in transacting business at office or headquarters and necessary expenses of maintaining the same, and for rent of rooms necessary for the transaction of the business of candidate or committee, or superior authority to which such committee is subject, if any, and for necessary incidental expenses, which shall not exceed the sum of one hundred dollars, if expended by a candidate, or one thousand dollars, if expended by a committee; and no sum shall be paid and no expense shall be incurred, directly or indirectly, by or on behalf of a candidate, whether before, during or after an election, on account of or in respect of the conduct and management of an election at which he is a candidate, in excess of the maximum amount following, that is to say: if the term of the office for which the person is a candidate be for one year or less, five per centum of the amount of one year's salary of the office; if the

term be for more than one year, and not more than two years, ten per centum of the amount of one year's salary of the office; if the term be for more than two years, and not more than three years, fifteen per centum of the amount of one year's salary of the office; if the term be for more than three years, and not more than four years, twenty per centum of the amount of one year's salary of the office; if the term be for more than four years, ten per centum of the amount of one year's salary of the office; if the office be one for which, in lieu of a salary, there is allowed per diem, for a statutory period, or for the number of days actually engaged in the performance of public duties, twenty-five per centum of the amount to accrue for the statutory period; if the office be one for which, in lieu of a salary, a yearly sum is allowed the officer for all the expenses of his office, the expenditures of the candidate for such office shall not exceed the amount of ten per centum of the allowance for such office for one year; if the office be one for which no salary or compensation is allowed, except fees, or a salary not exceeding nine hundred dollars per annum and fees, the expenditures of the candidate for such office shall not exceed the amount of one hundred and fifty dollars; if the office be one for which no salary or compensation is allowed, or for which a per diem is allowed for the days actually employed in the performance of a public duty, the expenditures of the candidate for such office shall not exceed one hundred dollars; if the candidate is also at the same time a candidate for an unexpired term, he shall not pay or expend any sum on account of such unexpired term, but the maximum amount to be expended by such candidate shall be as hereinabove provided.

Presentment and Payment of Claims.

Sec. 4. Every claim payable by a committee as defined in Section 2 of this Act on account of or

in respect of any expense incurred in the conduct and management of an election held within this State, or on behalf of the candidates of the political party, organized assemblage, or body which such committee represents, must be presented to the committee within ten days after the return day of the election, and if not so presented, the same shall not be paid, and no action shall be commenced or maintained thereon, and all expenses incurred as aforesaid shall be paid within fifteen days after the completion of such official canvass, and not otherwise. Every claim in respect of any expenses incurred by or on behalf of a candidate at an election held within this State on account of or in respect of the conduct or management of such election shall be presented to such candidate within ten days after the day of election, and if not so presented the same shall not be paid, and no action shall be instituted or maintained thereon; and all such expenses incurred as aforesaid must be paid within twelve days after the day of election, and not otherwise. Any person who makes a payment in contravention of this section, except where such payment is allowed, as provided by this Act, is guilty of a misdemeanor.

Claims Not Presented in Time—How Allowed.

Sec. 5. The Superior Court of the county in which such statement is filed or is required to be filed, may, on the application of either the committee or candidate, or a creditor of either, allow any claim not in excess of the maximum amount allowed by this Act, to be presented and paid after the time limited by this Act; and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee or candidate in the same office as the original statement of the committee or candidate. If the candidate or committee, upon such application, shall show to the satisfaction of said court that any error or false recital in such statement, or that

the failure to make such statement or to present, within the designated time, a claim otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness or death of one or more members of such committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or of any reasonable cause of a like manner, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application as the court may require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such court, by order, allow such statement to be filed, or such error or false recital therein to be corrected, or such claims to be paid, as to the court seems just; and such order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

Rules Regarding Places Where Liquor Is Sold.

Sec. 6. No payment of any money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, or for holding a meeting, or for the purpose of promoting the election of a candidate, or on account of, or in respect to the conduct or management of an election, where intoxicating liquors are sold for consumption on the premises, or where intoxicating liquor is supplied to members of any club, society or association; provided, that nothing in this section shall apply to any part of such premises which is ordinarily let for the purposes of offices,

or for holding public meetings, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Name of Printer.

Sec. 7. Every bill, placard, poster, pamphlet or other printed matter having reference to an election, or to any candidate, shall bear upon the face thereof the name and address of the printer and publisher thereof, and no payment therefor shall be made or allowed unless such address is so printed.

Act of 1893 Repealed.

Sec. 8. An Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and all other Acts and parts of Acts inconsistent with this Act are hereby repealed; provided, that no provision of this Act shall be construed so as to repeal any provision of Title IV of Part I of the Penal Code, entitled "Of Crimes Against the Elective Franchise."

Penalty.

Sec. 9. Any person offending against any of the provisions of this Act shall be guilty of a misdemeanor, and be dealt with as provided in the Penal Code.

Who Is Competent Witness.

Sec. 10. A person offending against any provisions of this Act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or lawful investigation or judicial proceeding, in the same manner as any other person. If such person demands that he be excused from testifying

on the ground that his testimony may incriminate himself, he shall not be excused, but in that case the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony, and he shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given. No person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid when such person so testifying does so voluntarily or when such person so testifying fails to ask to be excused from testifying on the ground that his testimony may incriminate himself, but in all such cases the testimony so given may be used in any prosecution or proceeding, civil or criminal, against the person so testifying. Any person shall be deemed to have asked to be excused from testifying under this section unless, before any testimony is given by such a witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation, shall distinctly read this section to such witness, and the form of the objection by the witness shall be immaterial if he in substance makes objection that his testimony may incriminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify upon such trial, hearing, proceeding or investigation.

Sec. 11. This Act shall take effect and be in force from and after its passage.

VOTING MACHINES.

An Act creating a State Commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated

local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act.

[Approved March 20, 1903; amended March 19, 1907; amended April 21, 1911; amended January 22, 1912.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Creation of State Commission on Voting—Approval of Machines.

Section 1. 1. The Governor, Secretary of State and Attorney-General, and their successors in office are hereby created and constituted the State Commission on voting or ballot machines. It shall be the duty of said Commissioners to examine all voting or ballot machines which may be offered for their inspection in order to determine whether such machines comply with the requirements of this act, and can safely be used by voters at elections under the provisions of this Act; and no machine or machines shall be provided by the Board of Supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the State, unless the said machine or machines shall have received the approval of a majority of said Commission as herein provided.

2. Any machine or machines which shall have the approval of a majority of said Commission may be provided for use at elections by the boards authorized so to do under the provisions of this Act. The report of said Commission on each and every kind of voting or ballot machine shall be filed with the Secretary of State within thirty days after their examination of said machines, and the Secretary of State must within five days after the filing of any

report approving any machine or machines, transmit to the Boards of Supervisors or other boards having charge and control of elections in each of the counties and cities and counties, cities or towns of the State, a list of the machines so approved.

3. No machine or machines shall be used unless such machine or machines shall have received the approval of the State Commission at least ninety days prior to any election at which such machine or machines are to be used.

4. For carrying out the provisions of this Act the members of the State Commission under this Act shall be allowed their actual necessary expenses.

Supervisors or Other Board May Require Use Of.

Sec. 2. The Board of Supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the State, may at any regular meeting, or at any special meeting called for the purpose, provide for and require the use of a voting or ballot machine, or machines for receiving and registering the vote at any or all elections held in such county, city and county, city or town, respectively, or in any one or more precincts thereof, and every such Board of Supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the State, may determine upon and require the use of voting or ballot machines at any and all elections to be held within such county, city and county, city or town of the State, or in any one or more precincts thereof, and thereupon the voting or ballot machine or machines so determined upon and required shall be used in voting for all public officers or candidates for nomination to public office, to be voted for by the voters of such counties, cities and counties, cities or towns of the State, or in the precinct or precincts thereof, for which the same shall have been so determined upon and required, and also in voting upon all amendments to the Constitution,

and upon all laws or propositions or questions which may be lawfully submitted to such voters, and for receiving and registering the votes cast at any and every such election. Any such board so authorized to provide for and require the use of a voting or ballot machine as hereinbefore specified, may, if the machine has been approved as in this act required, at its option resolve to provide and use only such a voting or ballot machine so constructed and arranged that the voting or ballot machine will not permit of voting a straight party ticket, or for any candidate, by any other method than by turning or pushing the keys separately of each voting space, for each separate candidate voted for. Party nominations may be designated by usual or reasonable abbreviation of party names. [Amendment approved April 21, 1911; in effect immediately.]

Provision for Purchase and Care Of.

Sec. 3. In purchasing the necessary voting or ballot machines to be used at elections, as herein provided, the Boards of Supervisors of the several counties, and the Legislative bodies of the incorporated cities and towns therein, may, by agreement, entered into by said Board of Supervisors and the legislative body of any incorporated city or town in such county, provide for the joint purchase and subsequent ownership thereof, and for the care, maintenance and use of the same.

Requisites of Machine.

Sec. 4. No voting or ballot machines shall be approved by the said Board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations as may make nominations for office and for and against as many different propositions or amendments as may be submitted, nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office; it must enable the voter to vote and select a ticket all from the nominees of one party or a ticket

selected in part from the nominees of one party and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket; such machines must also secure to the voter privacy and secrecy in the act of voting; such machines must also be so constructed that a voter can not vote for a candidate or a proposition or amendment for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; and allow of his reversing his vote in case of mistake or desire to change; and such machines must be so constructed that all votes cast for any person voted for, or for or against any proposition or amendment submitted to the voters shall be accurately registered or recorded, and any machine to be approved by said Board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the Constitution and laws of this State. All voting machines approved by the State Commission shall have a separate voting device for each candidate appearing on the ballot. Such machines may also have thereon a straight ticket device for each of the parties for voting a straight ticket vote for candidates of such party; but if so equipped with separate straight ticket voting devices, such separate straight ticket voting device must be locked out of operation. Machines which have been approved with such straight ticket mechanism thereon may be used in elections with such mechanism rendered inoperative, and machines with such straight ticket mechanism entirely removed therefrom, or machines

which omit a party designation of candidates by column or line which have been approved, may be used in such elections, and the omission, removal, or locking out of operation of such straight voting mechanism from the machine that has otherwise been approved by the commission, need not require a further examination and approval of a machine of that type.

The ballot at any election, whether general, primary, municipal, or otherwise, shall be arranged upon the voting machine as to the order of offices, order of candidates' names, and in other respects for such election, as required by the law prescribing the form and order of the ballot for such election; provided, however, that blank spaces for the writing in of the names of candidates or delegates or persons to be voted for, whose names are permitted to be written upon a ballot or pasted thereon by adhesive substance, under the law prescribing the form of the ballot, for the election, need not follow in the same order or place or places, upon a voting machine, as is prescribed in the law prescribing the form of ballot for the election, if the said voting machine be so constructed and capable of operation that all persons who by the law prescribing the form of ballot for the election are entitled to be voted for by writing in the name of such person, or pasting thereon the name of such person by adhesive substance, may be voted for by and upon said voting machine, and such votes counted and returned as fully, correctly and effectually as might have been done by the use of the form of ballot prescribed by law for the election, in case no voting machine had been used. The ballot may be placed upon the machine so the columns will extend either vertically or horizontally, if in all other respects, save as to the said blank spaces the ticket is in the form and order which would exist if the election were held by ballot and without a voting machine. [Amendment approved January 22, 1912; in effect March 24, 1912.]

Number of to Be Used.

Sec. 5. The Board of Supervisors or other board having charge and control of elections adopting a voting or ballot machine shall, as soon as practicable thereafter, provide for such polling place or places, as they may determine, one or more voting machines in complete working order and also such other accessories as may be required for the practical working of the machine and shall thereafter preserve and keep the machines in repair, and shall have custody of the furniture and equipment. If it shall be impracticable to supply each and every election precinct with a voting or ballot machine or machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election precincts within the county, or city and county, city, or town, as the board having control may direct. Where the board having charge and control of elections, is not the board having control of appropriations of money generally for the territory, but receives its appropriation from the board of supervisors, or board having control of appropriations of money generally for the territory, then and in such event the board of supervisors or board having control of appropriations of money generally for the territory represented by such board so having charge and control of elections, shall have exclusive power to purchase or otherwise provide voting or ballot machines for use in such territory. The board of supervisors or board having control of the finances of any county, city and county, or political subdivision, shall have power to sell, lease, alter, exchange, or otherwise at its discretion dispose of any voting machine or voting machine appliances owned by such county, or city and county. [Amendment approved April 21, 1911; in effect immediately.]

Stationery and Instructions—When to Be Delivered.

Sec. 6. The county clerk, registrar of voters, or city or town clerk, as the case may be, shall not

later than twenty-four hours next preceding the election, cause to be delivered to one of the inspectors of election, duly appointed, at his residence, all necessary supplies, stationery, blank forms, poll and tally lists, and instructions to voters, necessary and proper to the conduct of the election and to the counting and canvassing of the votes, and the return thereof, which forms, blanks, lists, and other stationery shall have been previously prepared by the said county clerk, registrar of voters, or city or town clerk, as the case may be, in such manner as to be adapted to the conducting and returning of such election by such voting or ballot machines as are used at the election. The supplies previously mentioned to be delivered to such inspector, shall, in addition to all other necessary forms, lists, or blanks, include one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing voting machines; one envelope in which the keys to the voting machine are sealed, said envelope to have printed or written thereon the number and location of the election precinct in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof, after the machine has been prepared for the election, and any designation that may be on such seal as the machine is sealed with. Said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the inspector of the election at his residence; one envelope in which the keys to the voting machine can be returned by the inspectors after the election; one card stating the name and telephone address of the superintendent for the day of election; two diagrams of the voting face of the machine as appears after the ballot label showing the titles of the offices and the names of the candidates, and statement of propositions, together with the voting indicators for each, shall have been inserted in the voting machine, and also suitable printed instructions for the guidance of the board of election. [Amendment approved April 2, 1911; in effect immediately.]

Voting Machine Instruction to Be Given to Election Officers.

Sec. 7. At least twenty days before any election, other than a special election, at which voting machines are to be used in any political subdivision, the county clerk, registrar of voters, or city or town clerk, as the case may be, shall designate one or more deputies, to be provided by the board having charge and control of elections, who are competent for the purpose, as voting machine instructors, and shall cause one or more voting machines of the type to be used at the election, to be set up in his office, for the purpose of having such voting machine instructors give instructions to persons applying to serve as election officers at the ensuing election, and shall also publish notice in one or more daily or weekly newspapers, in such political subdivision, if any is there published, stating that instruction will be given at such office (stating the location thereof) as to the use of voting machines, to all persons otherwise qualified, who shall apply to serve as election officers, at the ensuing election, and requesting qualified persons to attend at such office and apply to serve, and take such instructions. Such notice may also be sent by mail to all such persons as the said county clerk, registrar of voters, or city or town clerk, may deem likely to take the same. Such voting machine instructors shall give such instructions to those who apply (subject to the control of the clerk or registrar of voters, that too great a number from a given precinct need not be instructed) and shall report the result to such clerk or registrar of voters, and such clerk or registrar of voters, if satisfied with the report, may issue a certificate of competency to such person, and shall enter the name of such person in the proper book, by precincts, with the residence of such person, and the date of certificate of competency, and mail such certificate to such person at the address shown by his application or registration. In making up a recommendation of names of persons suitable for election officers, the clerk or registrar of voters

shall, where the person is otherwise qualified and able to serve, prefer the persons in each precinct, who have received such a certificate, and the persons thus shown in such recommendation shall be appointed as election officers in the proper precincts, and unless they fail to appear and be sworn or are excused for cause, by the clerk or registrar of voters, shall serve as an election officer at the election. [Amendment approved June 11, 1913.]

Duties of Election Board.

Sec. 8. The Precinct Board of Election of each precinct shall meet at the polling place therein, at least one hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard-rail the furniture, stationery, and voting or ballot machine for the conduct of the election. The Inspectors of Election shall then and there have the voting or ballot machine, instructions to voters, and stationery required to be delivered to them for such election. The Inspectors shall thereupon cause at least two instruction cards to be posted conspicuously within the polling place. They shall see that the model, if such model is furnished, is placed where each voter can conveniently operate it and receive instructions thereon as to the manner of voting before entering the machine. They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them. They shall see that the lantern or other means provided for giving light is in such a condition that the voting machine is sufficiently lighted to enable voters to readily read the names on the ballot labels. They shall see that the ballot labels are in their proper places on the machine. They shall open the counting compartment of the voting machine in the presence of the public and the members of the board of election, before the opening of the polls, and inspect the recording dials of such machine, and see that each counter number on each dial for a candidate, is set at zero (000) and make

a certificate substantially in the form hereinafter provided. If any counter number upon such dial for any candidate is found not to register zero (000), a statement of the actual register of such counter number, together with the designating number of said dial and letter, shall be made and signed by the election board as to every such dial number so found registered above zero (000). In such event, in each separate case, the number so found above zero (000) upon the dial of any particular candidate must be deducted from the total vote of such candidate as shown upon that counter number at the close of the polls. The tally sheet shall have plainly printed thereon, so as to occupy an entire page thereof, a statement and certificate substantially in the following form:

Notice to Election Officers.

The board of election shall before opening the polls, open the counting compartment of the voting machine in the presence of the public and the members of the board of election, and inspect the recording dials of such machine, and see that each counter number on each dial for a candidate, is set at zero (000) and make a certificate substantially in the form below provided. If any counter number upon such dial for any candidate is found not to register zero (000), a statement of the actual register of such counter number, together with the designating number of such dial, and letter, shall be made and signed by the election board as to every such dial number so found registered above zero (000). In such event in each separate case, the number so found above zero (000) upon the dial of any particular candidate, must be deducted from the total vote of such candidate, as shown upon that counter number at the close of the polls.

Certificate.

We, the undersigned members of the election board of election precinct No..... hereby certify that the following statement is a correct statement of all counter number dials, upon the

voting machine or machines used at said precinct, which were found to have the counter number upon any dial thereon, register above zero (000), as found by an examination and inspection made by said election board at said precinct before the opening of the polls and in the manner provided by law, and that the name of each candidate affected thereby, is hereinbelow respectively and separately stated, together with each such separate dial number and each such separate letter of such respective dial, and the number so registered above zero (000), upon any such respective counter dial, and also the number of votes shown upon any such respective counter dial, at the close of the polls, together with the total vote received by any such candidate so affected, after deducting from such total vote the number so found registered above zero (000) upon the counter number dial of such respective candidate or candidates:

Name.	Dial number.	Letter.	Counter register at opening of polls above zero (000).	Counter register at close of polls.	Total vote received.

Signed: ..... Inspector.
..... Inspector.
..... Judge.
..... Judge.

[Amendment approved April 21, 1911; in effect immediately.]

Machine—How to Be Placed.

Sec. 9. The exterior of the voting or ballot machine and every part of the polling place shall be in plain view of the election officers and public. The voting or ballot machines shall be placed at least three feet from every wall and partition of the polling place, and at least three feet from the guard-rail. A guard-rail shall be constructed at least three feet from the machine, with openings to admit electors or officers of election to and from the machine.

Voting—How Conducted.

Sec. 10. After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-rail until they ascertain that he is duly entitled to vote. Before each voter enters the voting machine, the inspectors of election shall, so far as possible, inform him how to operate the machine, and illustrate same upon the model of the machine, if any be furnished, and call his attention to the diagram. If any voter shall, after entering the voting machine, ask for information regarding its operation, the inspectors of election shall give him such necessary information. The operation or voting by an elector, while voting, shall be secret and obscured from all other persons except as provided in cases of voting by assisted electors. At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of fifteen or less, no voter shall remain within the voting or ballot machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes, he may be removed by the inspectors. At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of more than fifteen, no voter shall remain within the voting or ballot machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes he

may be removed by the inspectors. The inspectors of election shall occasionally examine the face of the machine and the ballot labels to determine if same have been injured or tampered with. No vote cast in the irregular or blank column shall be counted for a person whose name is printed upon the ballot or face of the machine as a candidate for the same office for which he is voted in the irregular or blank column. All voters in the polling place or standing in line entitled to vote, at the hour for closing the polls, must be permitted to vote. [Amendment approved April 21, 1911; in effect immediately.]

Result—Declaration Of.

Sec. 11. As soon as the polls of the election are closed the Inspectors of Election thereat shall immediately lock the voting or ballot machine against voting, and, in the presence and full view of the public who may be lawfully within the polling place, proceed to demonstrate and declare the result of such election as registered or recorded or received by the machine (subject to any legal deductions made under the provisions of section 8 of this act), in the following manner: One of the inspectors shall under the scrutiny of the other inspector, of a different political party, in the order of the offices as their titles are arranged on the machine, commencing with the first party or top column, or commencement of the ticket as arranged, announce in distinct tones to the clerks of election, the designating number and letter of each counter, and the vote registered thereon, and the clerks of election shall correctly record each announcement so made upon separate respective tally sheets provided for that purpose, before another announcement is made by the inspector. The said inspector shall then in like manner announce the vote recorded for each office on the irregular ballot, and the election clerks shall in like manner record the same. The inspector shall then also in like manner announce the vote on each question or proposition submitted at the election,

and the clerk shall in like manner record the same. The canvass of each office shall be completed before proceeding to the next, and the vote as announced shall be written by the clerks in ink on the two tally lists provided therefor in the same order. After completing and writing down the canvass, in the manner aforesaid, the inspectors of election shall verify the same by comparing the figures on the tally lists with the figures on the counters in the machine, and the names recorded on or in the device for voting for persons not nominated, and also with the result registered on the machine as to the vote upon questions or propositions, and in making such comparison and verification, one of the inspectors shall again distinctly announce and recall aloud the vote registered upon each counter. The board of election shall then certify in the appropriate place on the tally list, as to the number of voters that voted at the election, as shown by the poll lists, and by the number registered on the public counter, and the number registered on the protective counter, and the number or other designating mark on the seal with which the machine has been sealed, together with other information regarding the machine as provided on the tally list. The counter compartment of the voting machine shall remain open until the tally list and all other reports have been fully completed and signed, after which they shall lock the counter compartment and deliver the keys thereof in a sealed envelope to the county clerk, registrar of voters, or city or town clerk, as the case may be. [Amendment approved April 21, 1911; in effect immediately.]

Records to Be Preserved.

Sec. 12. The inspectors of election shall, as soon as the result is fully ascertained and declared, as in the preceding section required, lock the machine so that the record of each election shall be preserved for the period of six months following such election, except in cases where the machine is required for use in a subsequent election during such

period, in which case the Board of Supervisors or other board having charge and control of elections shall inspect the registering or recording and receiving device of the machines and file a report of said inspection with the County Clerk or Registrar of Voters. Said report of said board when so certified and filed shall be prima facie evidence of the vote at such election. Any supplementary or duplicate record of an election, which may be furnished by a machine, shall be preserved by the County Clerk or Registrar of Voters for one year following such election. Whenever either House of the Legislature shall by resolution, adopted and entered upon its journal, direct that any standing or special committee of such House, shall be empowered to open and examine any voting machine or voting machines which were used at any election held within six months before the passage of such resolution, the committee of such House so empowered and authorized shall have the power and authority by its resolution in writing to order any such machine or machines to be opened, inspected or examined in any manner which such committee shall prescribe. If the opening of such a machine or machines be for the purpose only of counting or recounting the votes cast or registered at said election in a contest pending before such House, then and in such event the opening thereof and such count or recount must be made in the presence of said committee, or its sub-committee duly designated by its resolution in writing for such purpose. If the opening of such machine or machines be for any other purpose or for the investigating of the mechanism and manner of operation of a machine or machines, or for determining or reporting upon the mode of its operation, or its nature as a safe mechanical appliance for the receiving and registration of the votes of electors, then the committee must by its resolution in writing specify the person or persons who are to make such mechanical or expert inspection, and the

place where and the time when such inspection is to commence, and may, if it deem proper, limit the duration of such inspection, and fix the place where the same is to be made, and state whether the same is to be made in the presence of the said committee, or of its duly appointed sub-committee, or of any other person or persons to be named by said committee. Every person employed or permitted to take part in any such inspection of such a machine or machines, or in whose presence said inspection occurred, may be required to attend and testify as a witness before such committee if required, and be subject to the subpoena of such committee. If such machine or machines be opened under the provisions of this section by order of such committee, the said committee, or its sub-committee duly appointed, shall immediately, upon opening the doors, or the opening to the dial or place where the votes thereon are registered, which were cast at the last election, take off in writing the complete record of votes for all candidates which are recorded or registered upon or by said machine, and certify the same to be true and correct, with the date of such certificate, and place the same in an envelope, and seal the same in the manner required for sealing election returns, and make an endorsement upon the outside of such envelope stating the number of the machine whose record is enclosed, and forthwith file the same with the County Clerk, or Registrar of Voters, of the county, or city and county, where such election was held, who shall receive and keep the same with the other returns of the said election in his office for the period of twelve months from the date of said election, and such record shall in any court having jurisdiction of an election contest be prima facie evidence of its contents in any case where the vote upon such a machine or machines might have been recounted by the court if such machine or machines had not been previously opened or the result thereof in any manner affected. Im-

mediately upon the conclusion of such investigation, examination and inspection of such machine or machines, the same shall be again securely locked by the Clerk, or Registrar of Voters, or the said committee or its sub-committee, and the keys thereof returned to the officer entitled to possession of the same under the provisions of this Act, and shall not be again opened except in accordance with the provisions of this Act. One voting machine of each kind or pattern may be taken by such committee or upon its order, and upon its receipt therefor, to the City of Sacramento, or the State Capital, and there kept under the directions of such committee, but no such machine shall be so taken or transported without the consent of the owner thereof, unless the same be the property of a city, county, or city and county, or other political subdivision of the State. If such committee shall permit such a machine or machines to be taken apart, then and in such event the said committee shall cause the same to be restored and properly put together again, before or at the termination of its investigation, and to be returned by order of such committee, and at the expense of the State, to the place from which it was taken. If any such machine or machines be taken to Sacramento, or the State Capital, under the provisions of this section, and the Legislature shall adjourn sine die, without such machine or machines having been so restored and returned by such committee, then and in such event the Secretary of State shall forthwith, upon such adjournment, take charge of such machine or machines, and cause the same to be properly restored and returned to the place or places respectively from which the same were taken, and the expense thereof shall be a charge against the State, and a written demand therefor, verified by the Secretary of State, must be allowed by the Controller by his endorsement of allowance thereon, and thereupon, upon presentation, the same shall be paid to the Secretary of

State by the State Treasurer out of any funds of the State not otherwise appropriated. Any voting machine used at an election may, within six months from the date of such election, in any election contest, or action in the nature of quo warranto in any court of this State having jurisdiction thereof, be opened by order of such court and in its presence, for the purpose of recounting the vote involved in such election contest, under the same rules and conditions that apply to the opening of packages of sealed ballots and the recounting of the same, and must be forthwith locked again as soon as the result upon each machine is tallied, and in the presence of the said court. [Amendment approved March 19, 1907.]

Misconduct at Elections.

Sec. 13. The provisions of the law relating to misconduct at elections shall apply to elections with voting or ballot machines.

Election Precincts.

Sec. 14. Where voting machines are used the precincts shall be established or created in the manner provided by sections 1127, 1128, 1129 and 1130 of the Political Code of the State of California. [Amendment approved June 11, 1913.]

Official Ballots.

Sec. 15. The list of candidates used or to be used on the voting or ballot machine shall be deemed an official ballot under this Act for an election precinct in which a voting or ballot machine is used, pursuant to law. The word "ballot" as used in this act, (except when reference is made to independent ballots) means that portion of the cardboard, or paper, or other material within the ballot frames, containing the name of the candidate for office, or a statement of a proposed constitutional amendment, or other question or proposition

with the word "for" or the word "against," or "yes" or "no."

Sec. 1142, Pol. Code, Applies.

Sec. 16. The provisions of section 1142 of the Political Code shall apply where voting or ballot machines are used pursuant to this act, provided however, that at any precinct or polling place where two voting machines are used, two additional clerks of election shall be appointed for service at such polling place, for the election. In any city, or city and county, or county, where voting machines are to be used at any election, or where voting machines are owned, the board having charge and control of elections may, by a majority of such board adopt a resolution to be entered in its minutes, provide for a superintendent as herein provided, and may thereupon select and appoint a superintendent for the care, repair, adjustment, arrangement, testing, and preparation of voting or ballot machines. Such person must be a skilled machinist familiar with the arrangement, adjustment, and mechanism of voting machines, and shall, before his appointment, be examined by the board having control of elections, as to his competency in these respects. His appointment must also, where made for a territory wholly included within any city, or city and county, be approved by the mayor of any such city, or city and county, who shall also have the right to examine such person as to his competency. Said superintendent shall be considered a public officer, and shall hold office under such appointment until removed by the board having charge and control of elections, for cause, and by an order in writing entered in its minutes, after giving such superintendent an opportunity to be heard, which order of removal, shall be final and conclusive, and not subject to review. In any city, county, or city and county, which at the last general election therein, had a registration of voters exceeding seventy thousand, the said board having control of elections may fix the compensation of such superintendent at a sum not to

exceed the rate of fifteen hundred dollars per year, payable monthly, and may, by the resolution of appointment, provided such appointment is made by the year, provide that the services of such superintendent shall be given exclusively to said board while he remains in its employ, or under such appointment. Unless such appointment is made by the year and in the manner last mentioned in such a city, county, or city and county, and in any event in all other cases and places, such superintendent so appointed pursuant to this act shall receive a compensation at the rate of ten dollars per day, for every day he shall be actually employed; provided however, that in any such place where his compensation is fixed by the day under this act, the board having control of elections may fix his compensation at a lesser sum when he is employed merely as caretaker of such voting machines. Such superintendent must file his acceptance of the appointment with the board having charge and control of elections, within five days after notice of his appointment, and before entering upon his duties, shall take the oath of office prescribed by the constitution of this state for public officers, which oath may be taken by and filed with the county clerk, or registrar of voters, and file a bond in a sum to be fixed by the board having charge and control of elections, and not less than ten thousand (10,000) dollars, in a city and county, conditioned for the faithful performance of the duties of his office, with surety and to be approved and recorded as may be required for other officers of such city, or city and county, and it shall be his duty to care for, keep in repair, arrange, adjust, test, and prepare all voting machines for complete and correct operation at any election in the political subdivision for which he is appointed. All such voting or ballot machines shall be by him or under his direction, arranged, adjusted and prepared for correct operation at any election in accordance with the provisions of the law of this state, and in accordance with the mechanism and rules for the adjustment and correct operation of

such voting machines. The county clerk, registrar of voters, or city or town clerk, as the case may be, shall deliver to such superintendent for his guidance, a copy of any written or printed instructions which may be furnished by the person or corporation which manufacture the voting machines in use in such political subdivisions. The board having charge and control of elections may also select and employ any additional persons, as assistants, to such superintendent, in the performance of his duties, and may fix and allow the compensation to be paid to said assistants. The said superintendent of voting machines shall, not later than the day previous to the day of election, file with the clerk, or registrar of voters, his affidavit specifying the voting machines by number, that have been adjusted for use at such election, and stating that every one of such machines have been so adjusted, that each and every of its counters, which register the votes cast for candidates, are adjusted at zero (000), and that in every other respect, each and every voting machine is adjusted in accordance with the requirements of the law of the state, and according to the mechanism and rules for the adjustment and correct operation of such voting machines. Where any court, or justice, or judge of any court, shall make an order or judgment, or otherwise direct any change, alteration, or modification, to be made in the ballot labels to be used upon any voting or ballot machine, after the sample ballots have been printed, it shall not be necessary to print or distribute new sample ballots. [Amendment approved April 21, 1911; in effect immediately.]

Ballot Machines Must Be Tested and Sealed Before Election.

Sec. 16a. Within not more than thirty-five, nor less than twenty-five days, before the holding of any election in any county, city and county, city or town, at which is to be used voting or ballot machines, under the provisions of this act, the county clerk, registrar of voters, or city or town clerk, as the

case may be, shall fix a day, which shall not be more than twenty days, nor less than five days, before the date of such election, upon which the voting or ballot machines to be used at such election shall be examined, tested and sealed as hereinafter provided. At least twenty days before an election in any political subdivision where voting machines are to be used in one or more precincts of such subdivision, under and pursuant to the law of this state, it shall be the duty of the county clerk, registrar of voters, or city or town clerk, as the case may be, to notify in writing, by mail, with postage prepaid, the chairman or secretary of the executive or central committee of any political party or organization for the territory, the membership of which may have made nominations of candidates to be voted for at such election, or of any political party whose party name is lawfully used as a designation by a candidate, that it may appoint representatives of such political party who shall be authorized to attend and observe the final adjustment, testing and sealing of such ballot machines, and thereupon it shall be the right of such committee to appoint as many representatives, not to exceed three for each political party or organization, as it may see fit to select for such purpose, and to issue certificates of such appointment to such representatives, by the secretaries of such committees or organizations, respectively. Such notice shall also name and specify the date and place where such examination, testing and sealing of such machines will commence, and that the same will continue, if necessary, at said place from day to day until completed. The committee or organization empowered to appoint such representatives, shall immediately upon making such appointment, notify the said representative or representatives so appointed, respectively, of such appointment and of the time and place where such examination, testing and sealing, of such voting or ballot machines will commence, and shall also forthwith, send to the said county clerk, registrar of voters, or city or town clerk, as the case may be, the name and full address

of each such representative appointed. Thereafter, at the time specified in such notice, and until the completion thereof, the said representative or representatives shall be entitled to attend and observe the final adjustment, testing and sealing of such voting machines, under the directions of the board of election commissioners, or of the superintendent provided for by this act, and such adjustment, testing and sealing shall proceed in the presence of as many of said representatives as shall assemble to observe and view the same, and a full and complete opportunity shall then and there be given by such superintendent and his assistants, to such representatives to observe the processes by which such adjustment, testing and sealing, is performed, and to see that the said voting machines are so adjusted that each counter is set at zero (000), and without any vote registered thereon for the advantage of any party or candidate or otherwise. When the said machines are so sealed they shall not be unsealed again except by the precinct election boards on the day of election, to the extent necessary for the proper and lawful conduct of the election. Any candidate may attend in person or appoint in writing signed by such person, a representative to attend, with all the rights and privileges provided by this section. [New section approved April 21, 1911; in effect immediately.]

General Laws Govern.

Sec. 17. All laws and parts of laws of this State relating to elections and prescribing the powers and duties of election officers, shall, so far as applicable to the use of voting or ballot machines, remain in full force and effect; and all laws and parts of laws inconsistent herewith, shall not be applicable in each county, city and county, city or town election precinct wherein such voting or ballot machines are used, pursuant to this act, so long as such voting or ballot machine or machines shall be used therein, and nothing in this act contained shall be construed as repealing any existing law or authorizing any

deviation or omission therefrom, except as provided for or set forth herein.

Willful Violation to Be Punished.

Sec. 18. Any willful violation of any provision of this act or any willful injury to any voting or ballot machine tending to injure its effectiveness or to change the true expression given by the voters at any election shall be a felony and punishable as such, in accordance with the provisions of the Penal Code of the State.

Sec. 19. This act shall take effect immediately.

An Act supplementary to an Act entitled "An Act creating a State Commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county or city and county, city or town, at any or all elections held therein; and for ascertaining the result of such election; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

[Approved March 19, 1907.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Voting Machines Shall Be Tested, Examined and Sealed.

Section 1. Within not more than thirty nor less than twenty days before the holding of any election in any county, city and county, city or town, at which is to be used voting or ballot machines adopted under the provisions of the Act referred to in the title of this Act, the County Clerk or other officer having control of such election in

such county, city and county, city or town, shall fix a day, which shall not be more than fifteen days nor less than five days before the date of such election, upon which the voting or ballot machines to be used at such election shall be examined, tested and sealed as hereinafter provided.

Party Representatives to Be Notified of Test.

Sec. 2. At least twenty days before an election in any political subdivision where voting machines are to be used in one or more precincts of such subdivision, under and pursuant to the law of this State, it shall be the duty of the Board of Election Commissioners or other body having charge and control of such election to notify in writing by mail, with postage prepaid, the chairman or secretary of the executive or central committee of any political party or organizations for the territory which may have made nominations of candidates to be voted for at such election, that it may appoint representatives of such political party who shall be authorized to attend and observe the final adjustment, testing and sealing of such ballot machines, and thereupon it shall be the right of such committee to appoint as many representatives as it may see fit to select for such purpose, and to issue certificates of such appointment to such representatives by the secretary of such committees, respectively, which shall forthwith send a list of such representatives, with the name of the political party or organization for which they are selected, and the name of each representative, with his full address, adding street and number, to the said Board of Election Commissioners or other body having charge and control of such election. If any political party or organization which has made nominations shall not have any chairman or secretary of such committee, or the name and address of such chairman or secretary shall not appear in its nomination papers, then the said Election Commissioners may send the notice above required

to any person named in its nomination papers as the person to whom the certificate of nomination may be returned. Such Board of Election Commissioners shall thereafter, and at least five days before the time therefor, send written notice, with postage prepaid, to each such representative of a political party or organization which has so been filed in its office, with the address of such representative; which notice shall state the time and place before such election where such representatives are invited to attend, to observe the final adjustment, testing and sealing of such voting machines, and thereafter at such time and place the final adjustment, testing and sealing of such voting machines, under the directions of such Board of Election Commissioners, shall proceed in the presence of as many of said representatives as shall assemble to observe and view the same, a full and complete opportunity shall then and there be given to such representatives to observe the processes by which such adjustment, testing and sealing is performed, and to see that the said machines are set at zero, and without any vote registered thereon for the advantage of any party or candidate or otherwise. When the said machines are so sealed they shall not be unsealed again, except by the precinct election board on the day of election and except for trial as to their correctness after transportation to the various booths or polling places, at which places such trial may be made as the Board of Election Commissioners or body having control of the elections shall direct, to see if any machine has become in any way disarranged during transportation to the polling place, and a seal necessary to such investigation may be broken or any work performed that may be necessary to put any machine in any such polling place in complete working order for such election, and the representatives aforesaid shall have the right to attend at any and all polling places for the purpose of viewing and observing any such unsealing arrange-

ment and resealing, which final work shall take place not later than the day before the election, nor earlier than the third day before the election. If independent candidates are nominated, and no chairman or secretary is named in the certificate of nomination, then such candidate or candidates shall be notified as herein specified, and may attend, or appoint representatives to attend, with all the rights and privileges provided for by this Act.

It shall be the duty of the Board of Election Commissioners, or other body having charge and control of such election, to notify in writing by mail, with postage prepaid, the chairman or secretary of any of the executive or central committees of any political party or organization hereinbefore referred to, and any independent candidate or candidates hereinbefore referred to, of the time when the final inspection, adjustment, testing and sealing of such voting or ballot machines will commence at the polling places, and of the place or places from which the inspectors will start in the performance of such duty, and that the representatives appointed pursuant to this Act, or such independent candidate or candidates, may attend as provided by this Act. Such notices shall be so mailed not less than three days before the time named for commencing such final inspection.

Violation of Act to Be Punished.

Sec. 3. Any person violating any provision of this Act shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars or imprisonment of not more than six months or both.

Sec. 4. This Act shall take effect immediately.

SPECIAL ACTS CONCERNING SPECIAL ELECTION DISTRICTS.

NOTE.—Special acts have been passed from time to time providing for the formation, government, operation, etc., of certain districts, such as sanitary districts, lighting districts, irrigation districts, etc. These acts are too voluminous to permit of their inclusion herein, and moreover, the portions relating to the calling and conducting of elections in such districts constitute but a small part thereof. For the benefit of those interested, reference is made below to the General Laws and Statutes of California where such acts may be found in full.

Annexation Act of 1913. Stats. 1913, chap. 312.

Assessment Districts: Establishment of for public park and playground purposes, Stats. 1909, p. 1066, amended Stats. 1911-12 (extra session), chap. 12.

Boulevard Districts: Formation and establishment of, Stats. 1911, chap. 737; amended Stats. 1911-12 (extra session), chap. 56; Stats. 1913, chap. 236.

County Water Districts: Incorporation and organization, Stats. 1913, chap. 592.

Consolidation of Municipal Corporations: Stats. 1913, chap. 311.

Drainage Districts: Organization and government of, General Laws (Deering), Act 987.

Irrigation Districts: Organization and government of, and recall of officers of, General Laws (Deering), Act 1726, amended Stats. 1911, chaps. 157, 317, 588, amended Stats. 1911-12 (extra session), chaps. 34, 36, 63; funding bonds of, General Laws; (Deering), Act 1727; Stats. 1913, chaps. 60, 367, 370, 578; dissolution of, General Laws (Deering), Act 1731, amended Stats. 1911-12 (extra session), chap. 26; Stats. 1913, chap. 39.

Levee Districts: Formation and government of, General Laws (Deering), Act 1913, amended Stats. 1911, chap. 637; bond election in, Stats. 1911, chap. 139.

Library Districts: Formation of, Stats. 1909, p. 815, amended Stats. 1911, chap. 172; in union high school districts, Stats. 1911, chap. 279.

Lighting Districts: Formation and government of, General Laws (Deering), Act 1466, amended Stats. 1911, chap. 260; Stats. 1913, chap. 259.

Local Option Districts: Elections in, Stats. 1911, chap. 351.

Monuments for Pioneers: Stats. 1913, chap. 224.

Municipal Annexation Act, 1913: Stats. 1913, chap. 311.

Municipal Water Districts: Incorporation and management of, Stats. 1911, chap. 671, amended Stats. 1911-12 (extra session), chap. 19; General Laws (Deering), Act 2390.

Overflow Districts: Formation and government of, Stats. 1911, chap. 718.

Protection Districts: Organization and formation of, General Laws (Deering), Act 2805.

Public Utility Districts: Incorporation and organization, Stats. 1913, chap. 261.

Reclamation Districts: Election of trustees of, Political Code, Sec. 3491; bond elections in, General Laws (Deering), Act 2975.

Sanitary Districts: Formation and government of, General Laws (Deering), Act 3349, amended Stats. 1911, chaps. 311, 389; Stats. 1913, chap. 199.

School Districts: Elections in, Political Code, Secs. 1593-1602, 1674, 1880-1884; bond issue election, General Laws (Deering), Acts 3567, 3582; high school district elections, Political Code,

Secs. 1725-1746; union high school library districts, Stats. 1911, chap. 279.

Sewer Districts: Within municipalities, General Laws (Deering), Act 3597; municipalities may create, Stats. 1911, chap. 23; division of municipalities into, Stats. 1911, chap. 455.

Storm Water Districts: Organization and formation of, General Laws (Deering), Act 2806; Stats. 1913, chap. 274.

CHAPTER VIII.

MUNICIPAL CORPORATIONS.

An Act to provide for the organization, incorporation, and government of municipal corporations.

[Approved March 13, 1883.]

Note.—Only those portions of the act are here given which relate to offices and elections.

The people of the State of California, represented in senate and assembly, do enact as follows:

CHAPTER I.

May Incorporate.

Section 1. Any portion of a county containing not less than five hundred inhabitants, and not incorporated as a municipal corporation, may become incorporated under the provisions of this act; and when so incorporated shall have the powers conferred, or that may be hereafter conferred, by law upon municipal corporations of the class to which the same may belong.

Manner of Proceeding.

Sec. 2. A petition shall first be presented to the board of supervisors of such county, signed by at least fifty of the qualified electors of the county, residents within the limits of such proposed corporation, and the affidavit of three qualified electors residing within the proposed limits, filed with the petition, shall be prima facie evidence of the requisite number of signers. The petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. Such petition shall be presented at a regular meeting of such board, and shall

be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all, and on the final hearing shall make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries; provided, that any changes made by said board of supervisors shall not include any territory outside of the boundaries described in such petition. The boundaries so established by the board of supervisors shall be the boundaries of such municipal corporation until by action, authorized by law, for the annexation of additional territory to or the taking of territory from said municipal corporation, such boundaries shall be changed; provided, whenever it shall appear to the board of supervisors that the boundaries of any municipal corporation have been incorrectly described, the board shall direct the county surveyor to ascertain and report a description of the boundaries. The board of supervisors shall, at their first regular meeting after the filing of the report of the county surveyor, cause notice to be published in some newspaper published in the county that the report will be acted upon at the next regular meeting of the board, and at said meeting the board shall ratify the report of the county surveyor, with such modifications as they shall deem necessary, and the boundaries so established shall be the legal boundaries of said municipal corporation. They shall then give notice of an election to be held in such proposed corporation for the purpose of determining whether the same shall become incorporated. Such notice shall particularly describe the boundaries so established, and shall state the name of such proposed corporation, and the number of inhabitants

so ascertained to reside therein, and the same shall be published for at least two weeks prior to such election in a newspaper printed and published within such boundaries, or posted for the same period in at least four public places therein. Such notice shall require the voters to cast ballots, which shall contain the words "For Incorporation," or "Against Incorporation," or words equivalent thereto, and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal corporations of the class to which such proposed corporation will belong. [Amendment approved March 19, 1889.]

Election—How Conducted.

Sec. 3. Such elections shall be conducted in accordance with the general election laws of the state, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided within the limits of such proposed corporation for at least sixty days next preceding such election. The board of supervisors shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if, upon such canvass, it appears that the majority of the votes cast are for the incorporation, the board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal incorporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of ..... (naming it), and shall declare the person receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. Said board shall cause a copy of such order, duly certified, to be filed in the office of secretary of state, and from and after the date of such filing, such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance

with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified; and it shall not be necessary in any action, civil or criminal, to plead and prove the organization or existence of such corporation, and the courts shall take judicial cognizance thereof without proof. [Amendment approved March 19, 1889.]

How Incorporated City or Town May Incorporate Under This Law.

Sec. 4. The common council, board of trustees, or other legislative body of any city and county, city, or town, organized or incorporated prior to the first day of January, eighteen hundred and eighty, at twelve o'clock, meridian, shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of such city and county, city or town, as shown by the vote cast at the last municipal election held therein, submit to the electors of such city and county, city, or town, at the next general election to be held therein, the question whether such city and county, city, or town shall become organized under the general laws of the state relating to municipal corporations of the class to which such city and county, city, or town may belong. Notice that such question will be so submitted shall be given by publication in a newspaper printed and published in such city and county, city, or town; or if there be no newspaper printed and published therein, by printing and posting the same in at least four public places therein, including the place or places where such election is to be held. Such notice shall be so published or posted for at least four weeks prior to such election, and shall also be made a part of the general election notice. Such notice shall distinctly state the proposition to be so submitted, and shall designate the class to which such corporation belongs, and shall invite the electors thereof to vote upon such proposition by placing upon their ballots the

words "For Reorganization," or "Against Reorganization," or words equivalent thereto. The votes so cast shall be canvassed at the time and in the manner in which the other votes cast at such election are canvassed. If, upon such canvass, a majority of all the electors voting at such election shall be found to have voted for such reorganization, the said council, board, or other legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election, the number of votes cast for reorganization, and the number of votes cast against reorganization. Said council, board, or other legislative body shall immediately thereafter call a special election for the election of the officers required by law to be elected in corporations of the class to which such city and county, city, or town shall belong, which election shall be held within six weeks thereafter. Such election shall be held in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the council, board, or other legislative body calling the same, who shall immediately declare the result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporation shall be deemed to be organized under such general laws, under the name and style of the city and county (or city or town as the case may be) of ..... (naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same may belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city and county, city, or

town, and until their successors are elected and qualified.

Effect of Reincorporation.

Sec. 5. Any city and county, city or town organized under the provisions of section 4 of this act shall, for all purposes, be deemed and taken to be in law the identical corporation theretofore incorporated and existing; and such reorganization shall in nowise affect or impair the title to any property owned or held by such corporation, or in trust therefor, or any debts, demands, liabilities, or obligations existing in favor of or against such corporation, or any proceeding then pending; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or, to discharge any person from any liability, civil or criminal, then existing, for any violation of any such ordinance; but such ordinances, so far as the same are not in conflict with such general laws, shall be and remain in force until repealed or amended by competent authority; provided, that proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of such general laws.

Duty of Outgoing Officers.

Sec. 6. As soon as the officers elected under the provisions of either section 3 or section 4 of this act shall have qualified in accordance with law, all persons, if any, then in possession of the offices of such corporation, shall immediately quit and surrender up the possession of such offices, and shall deliver to the officers so elected all moneys, books, papers, or other things in their official custody, and all property of such corporation in their hands, notwithstanding that the terms of office for which they were respectively elected or appointed may not then have expired; and all officers, boards, and persons holding any property in trust for any public use, the administration of which use is vested by such general laws in such corporation, or in any

of its officers, shall, upon demand from such corporation or such officers, convey such property to such corporation or such officers, by good and sufficient deeds of conveyance, in trust for such public use.

Boundary—How Changed.

Sec. 7. The boundaries of any municipal corporation may be altered, and new territory included therein, after proceedings had as required in this section. The council, board of trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory shall be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election, to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation, and also in a newspaper printed and published outside of such corporation, and in the county in which such territory so proposed to be annexed is situated, in both cases for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed; and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For Annexation," or "Against Annexation," or words equivalent thereto. Such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be annexed, which place or places shall be that or those usually used for that purpose within such territory, if any such there be. Such legislative body shall also appoint and desig-

nate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall appear upon such canvass that a majority of all the votes cast in such territory and a majority of all the votes cast in such corporation shall be for annexation, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote; which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. From and after the date of the filing of such abstract, such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation; provided, that no property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such corporation, contracted prior to or existing at the date of such annexation. If the territory so proposed to be annexed consists, in whole or in part, of any municipal corporation, or part thereof, such territory shall not be annexed under the provisions of this section.

Municipal Corporations—How Consolidated.

Sec. 8. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council, board of trustees, or other legislative body of either of such corporations shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit

to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such legislative body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall give written notice thereof to the council, board of trustees, or other legislative body of each of the other of such corporations, which notice shall designate the name of the proposed new corporation. It shall thereupon be the duty of such legislative body of each of the corporations so proposed to be consolidated to give notice of such election, by publication in a newspaper printed and published in such corporation, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, the name of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong; and shall invite the electors to vote upon such proposition by placing upon their ballots the words "For Consolidation," or "Against Consolidation," or words equivalent thereto. The legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of such corporations having the greatest population, as shown by the last federal census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk, or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention is held, to make a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election in each

of such corporations, the number of votes cast in each for consolidation and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations; and immediately upon the record thereof, it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies to transmit to the secretary of state a certified copy of such abstract. Immediately after such filing, the legislative body of that one of such corporations having the greatest population, as shown by the last federal census, shall call a special election, to be held in such new corporation for the election of the officers required by law to be elected in corporations of the class to which such new corporation shall belong, which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporations shall be deemed to be consolidated into one corporation, under the name and style of the city and county (or city or town as the case may be) of ..... (naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same shall so belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city and county, city, or town, and until their successors are elected and qualified. All the provisions of sections 5 and 6 of this act shall apply to such corporation and to the officers thereof; provided, that no property within either of the former corpora-

tions so consolidated shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations contracted prior to or existing at the date of such consolidation.

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Note.—Sections of the "municipal corporation bill" which apply only to cities of the first, second, third and fourth classes, have been omitted. For full text of this act see Deering's General Laws of California, (1909), act 2348, p. 651.

CHAPTER VI.

Municipal Corporations of the Fifth Class.

[A charter for cities having a population of more than three thousand and not exceeding ten thousand.]

* * * * *

Officers.

Sec. 751. The government of said city shall be vested in a board of trustees, to consist of five members; a board of education, to consist of five members; and whenever a free public library and reading-room is established therein, five trustees thereof; a recorder; a treasurer; a clerk; an attorney; a marshal; an assessor, and such subordinate officers as are hereinafter provided for; provided, that the board of trustees may, in its discretion, by an ordinance adopted, published and recorded as required for general ordinances, at least thirty days before a general city election at which city officers are to be elected, unite and consolidate certain offices by declaring:

1. The city marshal elected shall be ex officio superintendent of streets, and health officer;

2. The city clerk elected shall be ex officio recorder and assessor;

3. The city treasurer elected shall be ex officio city tax collector and license tax collector;

4. The city attorney elected shall be ex officio city clerk.

[Amendment approved February 28, 1901.]

Election and Terms of Office.

Sec. 752. The members of the board of trustees, and of the board of education, and the city clerk, city attorney, assessor, marshal, treasurer, and recorder shall be elected by the qualified electors of said city at a general municipal election, to be held therein on the second Monday in April, 1903, and on the second Monday in April of each fourth year thereafter, and shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, that a general municipal election shall be held in said city on the second Monday in April, 1905, for the election of successors to the members of the board of trustees and of the board of education whose terms of office expire during said year, and said successors shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The board of trustees may in their discretion appoint a poundmaster, also a superintendent of streets, and a city engineer, all of whom shall hold office during the pleasure of the board. [Amendment approved February 26, 1903.]

Ordinance to Divide Administration into Five Departments—How Submitted.

Sec. 752a. The board of trustees may at any time submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to divide the administration of the municipality into five departments and provide for the assignment of its several members to be heads of such respective departments and to be appointed as the commissioners of such respective departments; provided, that if a department of public health be created the commissioner in

charge may be given the powers and duties of the municipal board of health, and such health board be thereby abolished. Such ordinance shall define the duties, powers and responsibilities of each commissioner and may require such commissioner to devote a specified number of hours of each business day to the performance of such duties, in which event such commissioner may receive a compensation, the amount of same to be fixed by said ordinance. The board may by majority vote, subject to the provisions of this section, assign its several members to be and appoint them as the respective commissioners of such several departments, and may by like vote from time to time change such assignment and appointment. It may assign employees to one or more departments, may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper to the efficient and economical conduct of the business of the municipality. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: Shall the administration of the municipality be divided into five departments as follows: (insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive), "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter. [New section approved April 10, 1911.]

Election or Appointment of Officers May Be Submitted to Voters.

Sec. 752b. The board of trustees may submit to the electors at any municipal election or at a special election to be held for that purpose, the question as to whether the elective officers, or any of them, other than trustees, shall be appointed by said board, instead of being elected as provided in the preceding section. The question so submitted shall be printed on the ballots used at such election substantially as follows: "Shall the board of trustees hereafter appoint the .... (naming the offices) of the city (or town) of .....," with the words "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast on any such proposition were in favor of the appointment of such officers or any of them, then at the expiration of the terms of office of any such officials then in office, and on the occurrence of a vacancy in any such offices, such elective officers or any of them for the appointment of whom such majority vote was so cast, shall thereafter be appointed by the board of trustees and hold office during the pleasure of such board. [New section approved April 10, 1911.]

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Vacancies.

Sec. 754. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the board of trustees; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the board of trustees is absent from the city for the period of ninety days, unless by permission of the board of trustees, his office shall by

the board be declared vacant, and the same filled as in case of other vacancies.

Compensation of Trustees—Election to Decide—Other Officers.

Sec. 755. The members of the board of trustees shall receive no compensation whatever, provided that in all such cities the question of whether the members of such board or any of them shall receive any compensation for his services as such member, and the amount thereof, may be submitted to the qualified electors of said city at any general municipal election held therein, and if the majority of such electors voting at such election shall vote in favor thereof, then such trustee or trustees shall receive the compensation specified in the call submitting such question at such municipal election; such compensation to begin on the first day of the next month succeeding the canvass of the return of such election, and the amount so fixed shall from such date be a charge against such city; payable the same as other fixed salaries are paid. Such compensation may be increased or diminished at any general municipal election thereof, by submission of such question in the same manner and by the same vote as herein provided, for the original creation of such compensation.

The treasurer, assessor, marshal, clerk and recorder shall severally receive at stated times a compensation to be fixed by ordinance by the board of trustees, which compensation shall not be increased or diminished after their election or during their several terms of office.

Nothing herein contained shall be construed to prevent the board of trustees from fixing such several amounts of compensation in the first instance during the term of office of any such officer or after his election. The compensation of all other officers shall be fixed from time to time by the board of trustees. [Amendment approved March 1, 1911; in effect immediately.]

Elections, How Held.

Sec. 756. All elections in such city shall be held in accordance with the general election laws of the state, so far as the same may be made applicable, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least thirty days next preceding such election. The board of trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election, and fix their compensation, and establish election precincts and polling places, and may change the same; provided, that no part of any ward less than the whole thereof, shall be attached to any other ward, or part thereof, in forming election precincts. At any municipal election the last printed great register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote, upon producing and filing with the board of election a certificate, under the hand and official seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided, that he is otherwise entitled to vote.

Eligibility to Office.

Sec. 757. No person shall be eligible to hold the office of trustee in such city, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of his election. [Amendment approved April 16, 1913.]

* * * * *

Rules.

Sec. 762. The board of trustees shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member, or other person, for disorderly behavior

at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

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CHAPTER VII.

Municipal Corporations of the Sixth Class.

[A charter for cities and towns having a population of not exceeding three thousand.]

* * * * *

Officers.

Sec. 851. The government of such city or town shall be vested in a board of trustees, to consist of five members; a clerk, who shall be ex officio assessor; a treasurer; a marshal, to be appointed by the board of trustees, who shall be ex-officio tax and license collector; a recorder, to be appointed by the board of trustees; and such subordinate officers as are hereinafter provided for. [Amendment approved March 9, 1911.]

Election and Tenure of Office.

Sec. 852. The members of the board of trustees and the clerk and treasurer shall be elected by the qualified electors of said city or town at a general municipal election to be held therein on the second Monday in April in each even-numbered year. The clerk and treasurer shall hold office for a period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the board of trustees shall hold office for the period of four years, from and after the Monday next succeeding the day of such election; and until their successors are elected and qualified; and in event of resigning shall not vote on the selection and appointment of their successors. The respective terms of the mem-

bers of the first Board of Trustees elected under the provisions of this act shall be determined as follows: The two persons elected by the highest number of votes shall hold office for four years, and the three persons elected by the lowest number of votes shall hold office two years. In the event two or more persons are elected by same number of votes, the term of each shall be fixed by lot. The board of trustees may, in their discretion, appoint an attorney, a poundmaster, a superintendent of streets, a civil engineer, a marshal and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said board. [Amendment approved April 16, 1913.]

Ordinance to Divide Administration into Five Departments May Be Submitted.

Sec. 852a. The board of trustees may at any time submit to the electors at any municipal, or at any special election to be held for that purpose, an ordinance to divide the administration of the municipality into five departments, and provide for the assignment of its several members to be the heads of such respective departments and to be appointed as the commissioners of such respective departments; provided, that if a department of public health be created the commissioner in charge may be given the powers and duties of the municipal board of health, and such health board be thereby abolished. Such ordinance shall define the duties, powers and responsibilities of each commissioner and may require such commissioner to devote a specified number of hours of each business day to the performance of such duties, in which event such commissioner may receive a compensation the amount of same to be fixed by said ordinance. The board may by majority vote, subject to the provisions of this section, assign its several members to be and appoint them as the respective commissioners of such several departments

and may by like vote from time to time change such assignment and appointment. It may assign employees to one or more departments, may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper to the efficient and economical conduct of the business of the municipality. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: shall the administration of the municipality be divided into five departments as follows: (insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive), "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter. [New section approved April 10, 1911.]

Election or Appointment of Officers May Be Submitted to Voters.

Sec. 852b. The board of trustees may submit to the electors at any municipal election, or at a special election to be held for that purpose, the question as to whether the elective officers, or any of them, other than trustees, shall be appointed by said board, instead of being elected as provided in the preceding section. The question so submitted shall be printed on the ballots used at such election substantially as follows: "Shall the board of trustees hereafter appoint the ..... (naming the offices) of the city (or town) of.....," with the words "Yes" or "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elec-

tions, and if it appears that a majority of the votes cast on any such proposition were in favor of the appointment of such officers or any of them, then at the expiration of the terms of office of any such officials then in office, and on the occurrence of a vacancy in any such offices, such elective officers or any of them, for the appointment of whom such majority vote was so cast, shall thereafter be appointed by the board of trustees and hold office during the pleasure of such board. [New section approved April 10, 1911.]

* * * * *

Vacancies, How Filled.

Sec. 854. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the board of trustees; but in the event of said board of trustees failing to fill such vacancy by appointment within thirty days after a vacancy occurs, they must, if said office be an elective one, immediately after the expiration of said thirty days cause an election to be held to fill said vacancy, provided, however, that any person appointed or elected to fill such vacancy shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the board of trustees is absent from the city for the period of ninety days, unless by permission of the board of trustees, his office shall by the board be declared vacant, and the same filled as in case of other vacancies. [Amendment approved February 15, 1911; in effect immediately.]

Compensation of Trustees—Election to Decide—Other Officers.

Sec. 855. The members of the board of trustees shall receive no compensation whatever; provided, that in all such cities, the question of whether the members of such board or any of them shall receive any compensation for his services as such member and the amounts thereof, may be submitted to the qualified electors of such cities at any gen-

eral election, and if a majority of such electors voting at such election shall vote in favor thereof, then such trustee or trustees shall receive the compensation specified in the call submitting such question at such election; such compensation to begin on the first day of the month next succeeding the canvass of the return of such election and the amount so fixed shall, from such date, be a regular charge against such city, payable the same as other fixed salaries are paid. Such compensation may be increased or diminished at any general election thereafter, by submission of such question in the same manner and by the same vote as herein provided for the original creation of such compensation.

The clerk, treasurer, marshal, and recorder shall severally receive, at stated times, a compensation, to be fixed by ordinance by the board of trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the board of trustees from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the board of trustees. [Amendment approved March 6, 1909; in effect immediately.]

Elections, How Held.

Sec. 856. All elections in such city or town shall be held in accordance with the general election laws of the state, so far as the same may be made applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least thirty days next preceding such election. The board of trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election, and fix their compensation, and establish election precincts and polling

places, and may change the same. At any municipal election the last printed great register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and official seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county; provided, that he is otherwise entitled to vote.

Eligibility to Office.

Sec. 857. No person shall be eligible to hold the office of trustee in such city, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of his election. [Amendment approved April 16, 1913.]

* * * * *

Rules.

Sec. 860. The board of trustees shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and at the desire of any member shall cause the ayes and noes to be taken on any question, and entered on the journal.

* * * * *

An act to permit the consolidation of elections and to provide a procedure therefor.

[Approved June 11, 1913.]

Section 1. Whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be consolidated in the manner provided by this act.

Sec. 2. Any such two or more elections, whether held under a freeholder charter or under any state law, or both, may be so consolidated and different elections called by the same governing body may be so consolidated.

Sec. 3. Such elections may be consolidated as to territory which is the same by order of the governing body or bodies calling the elections; and where one of the elections to be consolidated is a state election, the board of supervisors of the county wherein said consolidation may be had shall have authority to order such consolidation, as respects such state election.

Sec. 4. Within the territory affected by such order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts. When the returns of elections consolidated under this act are required to be canvassed by different canvassing bodies, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided. When the returns of any two or more elections consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat.

Sec. 5. When elections are consolidated under the provisions of this act, the governing body or bodies ordering such consolidation may, in the territory affected thereby, provide for the appointment of officers of election, for the formation of precincts for such elections and the expenses of said election.

Sec. 6. Nothing in this act shall be so construed as to repeal an act of the legislature of the State of California, entitled, "An act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall

be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses. Approved April 4, 1911."

An Act to Provide for the Classification of Municipal Corporations.

[Approved March 2, 1883, as amended.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Classification.

Section 1. All municipal corporations within the state are hereby classified as follows: Those having a population of more than 400,000 shall constitute the first class; those having a population of more than 250,000 and not exceeding 400,000 shall constitute the first and one-half class; those having a population of more than 100,000, and not exceeding 250,000 shall constitute the second class; those having a population of more than 35,000 and not exceeding 100,000 shall constitute the second and one-half class; those having a population of more than 23,000 and not exceeding 35,000 shall constitute the third class; those having a population of more than 20,000 and not exceeding 23,000 shall constitute the fourth class; those having a population of more than 6,000 and not exceeding 20,000 shall constitute the fifth class; those having a population of not exceeding 6,000 shall constitute the sixth class; provided that nothing herein shall change the classi-

fication of existing cities organized under the municipal corporation act. [Amendment approved March 24, 1911; in effect immediately.]

Based on Census.

Sec. 2. For the purpose of classifying municipal corporations as in this act provided, the population of all municipal corporations within the state is hereby determined to be the population of such municipal corporations as shown by the federal census taken in the year A. D. nineteen hundred and ten; provided, however, that whenever a new federal census is taken, the municipal corporations within the state are not, by operation of law, reclassified under such census, but shall remain in the old classification until reclassified by the legislature, unless a direct enumeration of the inhabitants thereof be made, as in section 3 of this act provided. [Amendment approved, February 9, 1911; in effect immediately.]

Reorganization of.

Sec. 3. The Council, Board of Trustees, or other legislative body of any municipal corporation, may at any time cause an enumeration of the inhabitants thereof to be made, and in such manner and under such regulations as such body may by ordinance direct. If upon such enumeration it shall appear that such municipal corporation contains a sufficient number of inhabitants to entitle it to reorganize under a higher or lower class, the Common Council, Trustees, or other legislative body shall, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors thereof, submit to the electors of such city or town, at the next general election to be held therein, the question whether such city or town shall reorganize under the laws relating to municipal corporations of the class to which such city or town may belong. And thereupon such proceedings shall be had and election held as provided in the general law for the reorganization, incorporation and gov-

ernment of municipal corporations. If a majority of the votes cast at such election shall be in favor of such reorganization, thereafter such officers shall be elected as are or may be and at the time prescribed by law for municipal corporations of the class having the population under which such reorganization is had, and from and after the qualification of such officers, such corporation shall belong to such class. Whenever the result of such enumeration shall have been declared by the Council, Board of Trustees, or other governing body, and entered in the minutes of such body, thereupon the number of such inhabitants so ascertained shall be deemed the number of the inhabitants of such city for all the purposes of this Act, and for the purposes of legislation affecting municipalities. The Clerk of the Council, Board of Trustees, or other governing body of such city, shall cause a certified copy of such minute order to be filed with the Board of Supervisors of the county wherein such city is situated. [Amendment approved March 20, 1899.]

73 Cal. 311; 76 Cal. 451; 85 Cal. 347, 349; 111 Cal. 104, 105; 117 Cal. 574, 575; 118 Cal. 403; 120 Cal. 389, 390, 392, 394; 127 Cal. 159; 143 Cal. 566, 567, 569, 571; 151 Cal. 467; 3 Cal. App. 720; 6 Cal. App. 738.

An Act to provide for direct legislation by cities and towns, including initiative and referendum.

[Approved January 2, 1912.]

The people of the State of California do enact as follows:

Sec. 1. Ordinances may be enacted by and for any incorporated city or town of the state in the manner following: Any proposed ordinance may be submitted to the legislative body of such city or town by a petition filed with the clerk of such legislative body after being signed by qualified electors of the city or town not less in number than the percentages hereinafter required. The signatures to the petition need not all be appended to one

paper. Each signer shall add to his signature his place of residence and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the city or town, and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed, and of a qualified elector of the city or town. Within ten days from the date of filing such petition, the clerk shall examine, and from the records of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action on the petition shall be mandatory on the legislative body; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same or similar effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the legislative body at its next regular session. If the petition accompanying the proposed ordinance be signed by electors not less in number than twenty per cent of the entire

vote cast within such city or town for all candidates for governor of the state, at the last preceding general election at which such governor was voted for, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the legislative body shall either:

(a) Pass such ordinance without alteration at the regular session at which it is presented and within ten days after it is presented or

(b) Forthwith, the legislative body shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the electors of the city or town.

If the petition be signed by the electors not less in number than ten per cent of the entire vote cast for all such candidates for governor at the last preceding election when such candidates for governor were voted for, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the electors at a special election, and is not passed without change by said legislative body, then such ordinance without alteration, shall be submitted by the legislative body to a vote of the electors at the next regular municipal election. The ballots used when voting upon said proposed ordinance shall have printed thereon the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall there-

upon become a valid and binding ordinance of the city or town, and be considered as adopted upon the date that the vote is canvassed and declared by the canvassing board, and go into effect ten days thereafter. Such ordinance shall have the same force and effect as one passed by the legislative body of the city or town, except that no ordinance proposed by petition as in this section provided, and thereafter passed by the vote of the legislative body of the city or town without submission to a vote of the people, or voted upon and adopted by the people, shall be repealed or amended except by a vote of the people, unless provision otherwise be made in the ordinance itself. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this statute; provided, that there shall not be held under this statute more than one special election in any period of six months. If any measure be submitted upon an initiative petition of registered voters, as hereinbefore provided, the persons filing said petition shall have the right, if they so choose, to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in length in opposition thereto which may be prepared by the legislative body. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the highest number of affirmative votes shall control. The legislative body of the city or town may submit to the people, without a petition therefor, a proposition for the repeal of any adopted ordinance, or for amendments thereto, or for the enactment of any new ordinance, to be voted upon at any succeeding regular or special municipal city or town election, and if such proposition so submitted receive a majority of the votes cast thereon

at such election, such ordinance shall be repealed, amended or enacted accordingly. Whenever any ordinance or proposition is required by this statute to be submitted to the voters of a city or town at any election, the clerk of the legislative body shall cause the ordinance or proposition to be printed and he shall mail a copy thereof, enclosed in an envelope with a sample ballot to each voter at least ten days prior to the election. All the provisions of this statute are to be liberally construed for the purpose of ascertaining and enforcing the will of the electors. The enacting clause of an ordinance passed by the vote of the electors shall be substantially in the following form: "The people of the city (or town) of ———— do ordain as follows:". When a special election is to be called under the terms of this section, it shall be held not less than thirty nor more than sixty days after the date of the presentation of the proposed ordinance to the legislative body, and shall be held as nearly as may be in accordance with the election laws of the state; provided, however, that, to avoid holding more than one such election within any six months, the date for holding such special election may be fixed later than sixty days, but at as early a date as practicable after the expiration of such six months; provided, further, that when under any of the terms of this statute fixing the time within which a special election shall be held it is made possible to hold the same within six months prior to a regular municipal election, the legislative body may in its discretion, submit the proposed ordinance at such regular election instead of at a special election. Except an ordinance calling or otherwise relating to an election, no ordinance passed by the legislative body of a city or town, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths vote of the legislative body of a city

or town, and no ordinance granting a franchise shall go into effect before thirty days from its final passage; and if, during said thirty days, a petition, signed by qualified voters of the city or town equal to ten per cent of the entire vote cast therein for all candidates for governor of the state at the last preceding general election at which a governor was voted for, protesting against the passage of such ordinance, be presented to the legislative body, the same shall thereupon be suspended from going into operation, and shall be the duty of the legislative body to reconsider such ordinance. If said legislative body shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a regular municipal election or a special election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto and the manner of voting thereon, shall conform to the rules provided herein for the initiation of legislation by the electors.

In cities or towns having a mayor (or like officer), with the veto power, the passage of an ordinance petitioned for by the electors, followed by its veto by the mayor (or like officer) and the failure of the legislative body to pass the same over such veto, shall be deemed and treated as a refusal of the legislative body to pass the ordinance, within the meaning of this statute; and a vote of the legislative body in favor of the repeal of an ordinance previously passed (but protested against by the electors as herein provided for) followed by a veto of such repeal by the mayor (or like officer) and the failure of the legislative body to pass said repeal over said veto, shall be deemed and treated as a refusal to repeal the ordinance so protested against. In such city or town the date of approval of an ordinance by the mayor or like officer (or of

the expiration without his action thereon of the time within which he may veto the same, if such expiration of time for his action without his approval or veto has the effect of making the ordinance a law) shall be deemed the date of final passage of the ordinance by the legislative body, within the meaning of this statute. Any duty herein in terms, or by reasonable implication, imposed upon the legislative body in regard to calling an election, or in connection therewith, shall be likewise imposed upon any mayor, or any other officer having any duty to perform connected with the elections, so far as may be necessary to fully carry out the provisions of this statute.

Sec. 2. This act is not intended to apply to those cities having a freeholders' charter adopted and ratified under the provisions of section 8 of article XI of the constitution, and having in such charter provision for the direct initiation of ordinances by the electors.

Sec. 3. Sections 2 and 3 of the act approved March 14th, 1911, entitled "An act adding three new sections to an act entitled 'An act to provide for the organization, incorporation and government of municipal corporations,' approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum," are hereby repealed.

An Act to provide for the recall of elective officers of incorporated cities and towns.

[Approved January 2, 1912.]

The people of the State of California do enact as follows:

Sec. 1. The holder of any elective office of any incorporated city or town may be removed or recalled at any time by the electors; provided, he has held his office at least six months. The provisions of this statute are intended to apply to

officials now in office, as well as to those hereafter elected. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the clerk of the legislative body of such city or town, which petition shall be signed by qualified voters equal in number to at least twenty-five per cent of the entire vote cast within such city or town for all candidates for the office which the incumbent sought to be removed occupies, at the last preceding regular municipal election at which such officer was voted for (or a like percentage of such vote within those precincts of the city or town embraced within the ward or subdivision of the city or town entitled to vote for a successor to the officer named, in case of an official not elected by the city or town at large), and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the city or town (or particular subdivision thereof as the case may be) and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed, and of a qualified elector of the city or town (or particular subdivision thereof). Within ten days

from the date of filing such petition, the clerk shall examine and from records of registration ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the suplementing petition, and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If required by the clerk, the legislative body of said city or town, shall authorize him to employ, and shall provide for the compensation to be paid, persons necessary in the examination of said petition and supplementing petition, all in addition to the persons regularly employed by him in his office. In case the clerk is the officer sought to be recalled, the duties herein provided to be performed by him shall be performed by some other person designated by said legislative body for that purpose. If the petition shall be found to be sufficient, the clerk shall submit the same to the legislative body of the city or town without delay, whereupon that body shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; provided, that if a regular municipal election is to occur within sixty days from the date of the order calling such election, the legislative body of the city or town may, in its discretion, postpone the holding of such election to such regular municipal election

or submit such recall election at any such election occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made by petition in the manner prescribed by section 1188 of the Political Code; except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition. Upon the sample ballot there shall be printed in not more than two hundred words, the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify his course in office. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall

vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving his certificate of election, the office shall be deemed vacant and shall be filled according to law.

Sec. 2. This act is not intended to apply to those cities having a freeholders' charter, adopted under the provisions of section 8 of article XI of the constitution, and having in such charter provision for the recall of elective officials by the electors.

Sec. 3. Section one (1) of an act entitled "An act adding three new sections to an act entitled 'An act to provide for the organization, incorporation and government of municipal corporations,' approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum," and approved March 14th, 1911, is hereby repealed.

An Act to provide for submitting to the qualified electors of every city and county, or incorporated city or town, in this state the question whether such city and county, or incorporated city or town, shall retain the powers of control vested therein respecting all or any public utilities, and providing further for elections thereafter to surrender such powers in case the qualified electors of any such city and county, or incorporated city or town, shall have voted to retain such powers or to reinvest such city and county, or incorporated

city or town, with such powers, in case the qualified electors thereof have voted to surrender such powers.

[Approved January 2, 1912.]

The people of the State of California do enact as follows:

Sec. 1. Any city and county, or incorporated city or town, may retain its powers of control vested therein respecting any one or more classes of public utilities and may thereafter surrender such powers to the railroad commission of the State of California, hereinafter called the railroad commission, or may reinvest itself with such powers as it may have surrendered to the railroad commission, all as in this act provided.

Sec. 2. The term "municipal corporation," as used in this act, shall be construed to mean a city and county, or an incorporated city or town. The term "legislative body," as used in this act, shall be construed to mean the board of supervisors, municipal council, commission or other legislative or governing body of a municipal corporation.

Sec. 3. The terms "railroad corporation," "street railroad corporation," "common carrier," "gas corporation," "electrical corporation," "water corporation," "telephone corporation," "telegraph corporation," "wharfinger," "warehouseman" and "public utility," as used in this act, shall severally have the same meaning as is given to them, respectively, in section 2 of the act known as the "Public Utilities Act."

Sec. 4. The question whether any municipal corporation shall retain its powers of control respecting one or more classes of public utilities may be submitted to the qualified electors of such municipal corporation, as provided in this act, either at a general municipal election or at a special election held therein. Such question may be so submitted, either in pursuance of an ordinance of intention adopted by a vote of three-fifths of all the members of the legislative body of such municipal corpora-

tion, declaring that the public interest requires the submission of, and that it is the intention of such legislative body to submit, such question to a vote of the qualified electors of such municipal corporation, or in pursuance of a petition of qualified electors of such municipal corporation, as hereinafter provided. Such ordinance of intention or such petition, as the case may be, shall contain the propositions proposed to be so submitted, as set forth in section 6 of this act. Such petition shall be signed by qualified electors of such municipal corporation, equal in number to ten per centum of such qualified electors, computed upon the total number of votes cast in such municipal corporation for all candidates for governor at the last preceding general election prior to the filing of such petition at which a governor was elected. Such petition may consist of separate papers; provided, that if any paper consists of more than one sheet, it shall be securely fastened together at the top. The signatures need not all be appended to one sheet of paper. Each such paper shall have attached thereto, at the bottom of the last sheet thereof, the affidavit of a qualified elector of such municipal corporation, stating that all of the signatures on each sheet thereof were made in his presence, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereto subscribed. Such petition shall be filed with the clerk of the legislative body of such municipal corporation. Within ten days from the date of the filing of such petition, said clerk shall examine the petition and ascertain from the record of the registration of the electors of the city and county, or of the county in which such municipal corporation is situated, whether the petition is signed by the requisite number of the qualified electors of such municipal corporation; and if requested by said clerk, the said legislative body of said municipal corporation shall authorize him to employ persons specially to assist him in the work of examining

such petition and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result of such examination. If from such examination said clerk shall find that said petition is signed by the requisite number of qualified electors, he shall certify that the same is sufficient; but if, from such examination, he shall find that said petition is not signed by such requisite number of qualified electors, he shall certify to the number of qualified electors signing such petition and to the number of qualified electors required to make such petition sufficient. If by the certificate of said clerk the petition is shown to be insufficient, it may be amended by filing a supplemental petition within ten days from the date of such certificate. Said clerk shall, within ten days from the filing of such supplemental petition, make like examination of the same and certify to the result of such examination as hereinbefore provided. If the certificate of the clerk shall show any such petition, or any such petition together with a supplemental petition, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the clerk, such petition, or such petition together with a supplemental petition, is shown to be sufficient, the clerk shall forthwith present the same to the legislative body of such municipal corporation. The sufficiency or insufficiency of such petition shall not be subject to review by such legislative body. After the election held in pursuance of such petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. In any city and county having a board of election commissioners and a registrar of voters, the clerk of the legislative body thereof shall immediately upon the filing of any petition with him, transmit the same to such board of election commissioners, who shall forthwith deliver such petition to said registrar of voters, who

shall perform all the duties herein required to be performed in other municipal corporations by the clerk of the legislative body thereof, respecting the examination and certification of such petition. Such registrar of voters shall, upon making his certificate, forthwith return said petition to said clerk, who shall thereupon present such petition and the certificate thereto attached to the legislative body of such municipal corporation as hereinbefore in this section provided.

Sec. 5. Upon the adoption of such ordinance of intention, or the presentation as aforesaid of such petition, as provided in section 4 of this act, the legislative body of such municipal corporation shall, by ordinance, order the holding of a special election for the purpose of submitting to the qualified electors of such municipal corporation the propositions set forth in such ordinance of intention or in such petition, as the case may be, which propositions shall be those set forth in section 6 of this act, or such legislative body shall, by ordinance, order the submission of such propositions at a general municipal election, as hereinafter provided. Such special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance of intention provided for in section 4 of this act, or the presentation of such petition to said legislative body; provided, that if a general municipal election shall occur in said municipal corporation not less than twenty days nor more than sixty days after the adoption of said ordinance of intention or the presentation of said petition to said legislative body, said propositions may be submitted at such general municipal election, in the same manner as other propositions are required by law to be submitted at general municipal elections in such municipal corporation. Every special election held in any municipal corporation under the provisions of this act, shall be called by the legislative body thereof, by ordinance, which shall specify the propositions to be submitted at such election

and the date thereof, and where provision is not otherwise made by law, shall establish the election precincts therefor and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper printed and published in such municipal corporation, or twice in a weekly newspaper printed and published therein, if there be no such daily newspaper; provided, that if no such daily or weekly newspaper be printed and published in such municipal corporation, the clerk of said legislative body shall post a copy of said ordinance in three public places in such municipal corporation at least ten days prior to such election. The propositions submitted under this section at any general municipal election or at any special election shall be the same as those set forth in section 6 of this act.

Sec. 6. The ballots to be used at any general municipal election or at any special election, at which is submitted the question whether a municipal corporation shall retain its powers of control respecting public utilities shall have printed thereon, in addition to the other matters required by law, the following propositions:

"Proposition No. 1. Shall ..... (name of municipal corporation) retain its powers of control over railroad corporations?"

"Proposition No. 2. Shall ..... (name of municipal corporation) retain its powers of control over street railroad corporations?"

"Proposition No. 3. Shall ..... (name of municipal corporation) retain its powers of control over common carriers other than railroad and street railroad corporations?"

"Proposition No. 4. Shall ..... (name of municipal corporation) retain its powers of control over gas corporations?"

"Proposition No. 5. Shall ..... (name of municipal corporation) retain its powers of control over electrical corporations?"

"Proposition No. 6. Shall ..... (name of municipal corporation) retain its powers of control over telephone corporations?"

"Proposition No. 7. Shall ..... (name of municipal corporation) retain its powers of control over telegraph corporations?"

"Proposition No. 8. Shall ..... (name of municipal corporation) retain its powers of control over water corporations?"

"Proposition No. 9. Shall ..... (name of municipal corporation) retain its powers of control over wharfingers?"

"Proposition No. 10. Shall ..... (name of municipal corporation) retain its powers of control over warehousemen?"

Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any voter desiring to vote in favor of the retention of the powers of control of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any voter desiring to vote against the retention of such powers of such municipal corporation respecting any particular class of public utility, shall stamp a cross (X) in the voting square after the printed word "No" opposite such proposition.

Sec. 7. If the propositions specified in section 6 of this act shall have been submitted at a special election in any municipal corporation, then the legislative body or other body or board charged with the duty of canvassing the returns and declaring the result of elections in such municipal corporation, shall meet at their usual place of meeting on the first Monday after such election to canvass the returns and declare the result thereof. Immediately upon the completion of such canvass, or upon the completion of the canvass of the returns of any general municipal election at which such proposi-

tions shall have been submitted, such legislative body or other body or board charged with said duty shall make an order declaring the result of the election upon such propositions and shall cause the same to be entered upon its minutes, which order shall show the total number of votes cast upon each such proposition, and the number of votes cast respectively in favor of and against each such proposition. If it shall appear from the result of such election, as so declared, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted, as provided in section 5 of this act, shall have voted to retain the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have elected to retain such powers of control respecting such class of public utility, and such powers shall be exercised by such municipal corporation until the same may be surrendered as hereinafter provided; and if it shall appear from the result of such election, as so declared, that a majority of such qualified electors so voting on any such proposition shall have voted not to retain such powers respecting any class of public utility, such municipal corporation shall be deemed to have elected not to retain such powers of control respecting such class of public utility, and such power of control shall thereafter vest in and be exercised by the railroad commission as provided by law. Immediately upon the entry of the order declaring the result of the election as to such proposition, the clerk of the legislative body or the registrar of voters in any municipay corporation having a board of election commissioners and a registrar of voters, shall make copies, in duplicate, of such order, and shall attach to each such copy his certificate under the seal, if any, of such municipal corporation, or of such board of election commissioners, certifying that the same is a true and correct copy of such order. Said clerk or registrar of voters, as the case may be, shall forthwith file one of said copies in the office of the

railroad commission of the State of California and the other in the office of the secretary of state. Immediately upon the filing of such certified copy of such order in the office of the railroad commission, the powers of control theretofore vested in such municipal corporation over any class or classes of public utilities which a majority of the qualified electors of such municipal corporation voting thereof shall have voted not to retain, as shown by such order shall thereupon vest in and be exercised by the railroad commission, until such municipal corporation shall reinvest itself with such powers of control as hereinafter provided.

Sec. 8. Any municipal corporation which shall have voted to retain the powers of control vested therein respecting any class or classes of public utilities, or which may have reinvested itself with such power, as hereinafter provided, may thereafter surrender its powers of control as to such class or classes of public utilities at a general municipal election or a special election therein called for that purpose. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each of the classes of public utilities as to which such municipal corporation may theretofore have voted to retain its powers of control or with which it may have reinvested itself. As to each of such classes of public utilities, and in addition to the other matters required by law to be printed thereon, a proposition shall be printed on the ballot to be used at such election in substantially the following form: "Shall ..... (name of municipal corporation) surrender its powers of control over ..... (here insert class of public utility) to the railroad commission?" Opposite each such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to surrender the powers of control of such municipal corporation over any class of public utility specified on the ballot, shall

stamp a cross (X) in the voting square opposite the printed word "Yes," after the proposition as to such class; and any elector desiring to vote not to surrender the powers of control of such municipal corporation over such class of public utility, shall stamp a cross (X) in the voting square opposite the printed word "No" after the proposition as to such class. The provisions of sections 4, 5 and 7 of this act, in so far as applicable, shall govern elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election declared as provided in section 7 of this act, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section, shall have voted to surrender the powers of control of such municipal corporation respecting any particular class of public utility, such municipal corporation shall be deemed to have surrendered its powers of control as to such class of public utility to the railroad commission, and such powers shall thereafter vest in and be exercised by the railroad commission, as provided by law, upon the filing, in the office of the railroad commission, of a certified copy of the order declaring the result of such election until such municipal corporation shall reinvest itself with such powers as hereinafter provided; and if it shall appear from the results of such election, as declared, that a majority of such qualified electors voting on any such proposition shall have voted not to surrender such powers of control respecting any particular class of public utility, such powers of control shall continue in such municipal corporation; provided, however, that such powers of control may thereafter be surrendered by such municipal corporation at any subsequent election at which the question of such surrender may again be submitted under the provisions of this act.

Sec. 9. Any municipal corporation that shall have surrendered to the railroad commission powers of

control respecting any class of public utility may thereafter reinvest itself with such powers by a vote of the qualified electors thereof taken at a general municipal election or at a special election. The ballots to be used at such election shall have printed thereon, in addition to the other matters required by law, separate propositions as to each class of public utility designated in the petition for such election or in the ordinance of intention. As to each such class of public utility, a proposition shall be printed on the ballot in substantially the following form: "Shall ..... (name of municipal corporation) reinvest itself with powers of control over ..... (class of public utility)?" Opposite each such proposition to be voted upon and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Any elector desiring to vote to reinvest such municipal corporation with powers of control respecting any class of public utility designated on the ballot shall stamp a cross (X) in the voting square after the printed word "Yes" opposite the proposition as to such class, and any elector desiring to vote not to reinvest such municipal corporation with powers respecting such class of public utility shall stamp a cross (X) in the voting square after the printed word "No" opposite such proposition. The provisions of sections 4, 5 and 7 of this act, in so far as applicable, shall apply to elections called, conducted and held under the provisions of this section and to general municipal elections at which such propositions shall be submitted. If it shall appear from the result of such election, declared as provided in said section 7, that a majority of the qualified electors of such municipal corporation voting on any proposition submitted as provided in this section shall have voted to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such municipal corporation shall be deemed to have reinvested itself with such powers, and upon the filing in the office of the

railroad commission of a certified copy of the order declaring the result of such election, the powers of control with which such municipal corporation shall have voted to reinvest itself, as shown by such order, shall cease to be exercised by the railroad commission, and shall vest in and be exercised by such municipal corporation; and if it shall appear from the result of such election, as declared, that a majority of the qualified electors of such municipal corporation voting on any such proposition, as provided in this section, shall have voted not to reinvest such municipal corporation with powers of control respecting any particular class of public utility, such powers of control shall continue in and be exercised by the railroad commission; provided, that such municipal corporation may thereafter reinvest itself with such powers of control at any subsequent election at which such question may be again so submitted under the provisions of this act.

Sec. 10. The holding of a special election or elections, or the submission of propositions at any general municipal election, under any of the provisions of this act, shall not be construed to preclude the holding of a subsequent special election or elections or the subsequent submission of propositions at a general municipal election or elections, on the question of the retention, surrender or re-investment by a municipal corporation of its powers of control respecting any class or classes of public utilities, as in this act provided; provided, that not more than one such special election shall be held within any period of twelve months.

Sec. 11. Except as otherwise in this act provided, the holding and conducting of elections under the provisions of this act, the form of the ballots used, the opening and closing of the polls, the canvass of the returns and the declaring of the result shall conform, as nearly as may be, to such laws as shall now or hereafter be applicable to special municipal elections held in the municipal corporation affected.

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